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OF

THOMAS JEFFERSON

VOLUME VIII

1801–1806

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OF

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CONTENTS OF VOLUME VIII.

1801.

PAGE

Itinerary and Chronology, 1801–1806 xxi

Inaugural Address, March 4th 1

To Charles Pinckney, March 6th 6
Patronage of South Carolina.

To John Dickinson, March 6th 7
Victory of Republicanism—Amelioration of mankind.

To James Monroe, Feb. [Mar.] 7th 8
Inaugural address—Federalist devices—Union of honest men.

To Horatio Gates, March 8th 11
Patronage—Conciliation of honest Federalists.

To Thomas M'Kean, March 9th 12
Burr—Contest over Presidency—Virginia bristling—Communication of news.

To Samuel Smith, March 9th 13
Offer of Naval portfolio—Geographical situation.

To the Secretary of State, March 12th 14
Condolences—Cabinet arrangements—S. Smith—T. Lear—R. Morris.

To Philip Mazzei, March 17th 15
Health—Marriage of Mazzei—Plants—Financial affairs—Cabinet.

To Thomas Paine, March 18th 18
Opposition to war—Offer of passage in public ship—R. R. Livingston.

To M. De Rayneval, March 20th 19
Gerard's land claims—Pre-revolutionary land companies.

PAGE

To Doctor Joseph Priestley, March 21st . . . 21
Value of life to public—Bigotry—Christianity—Alien law—Recent political phrenzy—Proposed convention in case of non-election of President.

To Doctor George Logan, March 21st . . . 23
Freedom of ocean—Avoidance of European affairs.

To Nathaniel Niles, March 22d 24
Recent political scenes—Montesquieu's error—Convention.

To William B. Giles, March 23d 25
Patronage and removals—Changed position of people—Federalist desperadoes.

To William Findley, March 24th 26
Safety of public opinion—Appointments—Removals.

To Samuel Smith, March 24th 28
Naval portfolio—Addresses—Appointments.

To Robert R. Livingston, March 24th . . . 29
French convention—Secretary of Legation.

To Doctor Benjamin Rush, March 24th . . . 30
Patronage—Adams's conduct.

To the Spanish Chargé, March 26th 33
Relations with Spain—Personal views—Yrujo's appointment.

To the Secretary of State, March 26th . . . 34
Naval portfolio—Cabinet news.

To Mrs. Sarah Mease, March 26th 34
Appointments.

To Henry Knox, March 27th 35
Inaugural address—Federalism—Removals—Midnight appointments.—Union.

To George Jefferson, March 27th 38
Nepotism.

To Samuel Adams, March 29th 38
Regard for Adams—Hope of harmony—Removals.

To Elbridge Gerry, March 29th 40
Southern compared to Northern pulse—Union of sentiment—Removals—Clergy.

To the Postmaster-General, March 29th . . . 43
Postmasters — Removals — Midnight appointments — Goodrich's case.

PAGE

To Archibald Stuart, April 8th 46
Midnight judges—Federalization of courts.

To the Postmaster-General, May 3d 47
Regeneration of Rhode Island and of New England—Federalism.

To Gouverneur Morris, May 8th 48
Public service of silver—Appointments—Naval portfolio.

To Theodore Foster, May 9th 50
Phrenzy of '98—Midnight appointments.

To Nathaniel Macon, May 14th 51
Appointment—Republican reforms.

To George Clinton, May 17th 52
Appointments—New York patronage.

To William Duane, May 23d 54
Pennsylvania split—Public stationery—Duane's prosecution.

To James Monroe, May 26th 57
Callender—Louisiana and the Floridas.

To James Monroe, May 29th 58
Gosport navy-yard funds—Correspondence between general and state governments.

To James Monroe, May 29th 61
Callender—Public correspondence—Louisiana and Florida—Barbary powers.

To Wilson Cary Nicholas, June 11th 62
Barbary powers—Mediterranean trade—Missions—Removals.

To John D. Burke, June 21st 65
Poetry—Patronage.

To the Attorney-General, July 11th 66
Consolidation of people—Essex junto and Federalism—Removals.

To Elias Shipman and Others, a Committee of the Merchants of New Haven, July 12th . . . 67
Case of Bishop and Goodrich.

To the Governor of the Mississippi Territory, July 13th. 71
Attitude towards Spain and Louisiana—Mississippi Territory—Clarke and Dunbar.

PAGE

To the Secretary of State, July 15th 73
Question and opinion as to prizes.

To Pierpont Edwards, July 21st 74
Removals—Future political movements—Connecticut clergy.

To John Dickinson, July 23d 75
Vaughan—Appointment of marshal—Republican division—Federalism.

To Thomas McKean, July 24th 78
Appointments and Removals—Reply to New Haven remonstrance—Personal abuse—Republican discord.

To the Secretary of State, August 12th . . . 80
Correspondence of Webster—Case of Bishop—Reply to Thornton.

To Pierce Butler, August 26th 82
Removals.

To the Attorney-General, August 26th . . . 83
Answer to New Haven remonstrance—Personal abuse—Senatorships.

To the Secretary of the Treasury, August 28th . . 85
Appointments—John Page—Prizes.

To the United States Minister to France, August 28th. 87
Treaty with France—Possible French minister.

To the United States Minister to France, September 9th 88
Maritime law—Free goods—Blockade—Treaties with European powers.

To the Secretary of State, September 12th . . 93
French treaty—Misuse of public funds.

To the Secretary of the Treasury, September 18th . 94
Office seekers—Amendment of constitution—Livingston—Health—Absence from Washington.

To William Short, October 3d 95
Recall—Rule of diplomatic rotation—Republican accessions—Hatred of European coalitions—Neutral rights—Missions—Livingston.

Circular to the Heads of the Departments, November 6th 99
Method of conducting public business.

PAGE

To James Monroe, November 14th 101
Whitney—Gun machine.

To Aaron Burr, November 18th 102
Appointments—Fortification of New York.

To the Governor of Virginia, November 24th . . 103
Virginia resolution concerning penal colony for negroes.

To the Secretary of the Treasury, November 28th . 106
Slave ships.

To the Reverend Isaac Story, December 5th . . 107
Transmigration—Ethics.

First Annual Message, December 8th . . . 108

To Doctor Benjamin Rush, December 20th . . 126
Vaccination—Opening of Congress—Health.

1802.

To the Attorney-General, January 1st . . . 129
Addresses—Church and State.

To James Cheetham, January 17th 129
Suppression of Wood's *History of John Adams*—Callender.

To Wilson Cary Nicholas, January 26th . . . 130
Informal appointments.

To John Page, February 20th 132
Offer of office.

To the United States Minister to France, March 16th. 138
French relations.

To the Attorney-General, March 24th . . . 139
Abuse and libels.

To the Secretary of the Treasury, April 1st . . 139
Report on sinking fund—Hamilton's financial plans—Simplification of public accounts.

To William Branch Giles, April 6th 141
Case of the *Berceau*.

To the United States Minister to France, April 18th. 143
Cipher — Correspondence — Louisiana and Florida—New Orleans—Certainty of ill feeling.

PAGE

To Cæsar A. Rodney, April 24th 147
Federalist leaders—Delaware politics.

To Joel Barlow, May 3d 148
Congress proceedings—Political events—Future residence and work—Marshall's *Washington*.

To Charles Willson Peale, May 5th 151
Mammoth.

To the Governor of Virginia, June 2d 152
Insurgent negroes—Sierra Leone.

To Cæsar A. Rodney, June 14th 154
Removal of McLane.

To the Secretary of the Treasury, June 19th . . 157
Bank of Pennsylvania.

To Dr. Joseph Priestley, June 19th 158
Republicanism—Jefferson and the constitution—Invitation—Climate.

To John Langdon, June 29th 160
Appointments—Political changes in New England.

To the U. S. Minister to Great Britain, July 13th . 161
Unrest among slaves—Colony for insurrectionary slaves—Sierra Leone—Emancipation.

To James Monroe, July 15th 164
Callender.

To Elbridge Gerry, August 28th 167
Removal of brother—Patronage—Political changes.

To Gideon Granger, August 29th 170
Bishop's pamphlets—Schism in New York.

To the Secretary of the Treasury, September 13th . 171
Effect of European peace on revenues.

To the Secretary of State, September 13th . . 171
Livingston's course and Jefferson's dissatisfaction.

To the Secretary of the Treasury, October 7th . . 172
Bank of Baltimore—Danger from United States Bank.

To the U. S. Minister to France, October 10th . . 172
Attitude towards France—Newspapers—Callender—Political changes.

PAGE

To the Secretary of the Treasury, October 13th . 174
Piers in the Delaware—Constitutional question.

To the Attorney-General, October 25th . . . 175
Sickness—Gain from elections—Slanders—Limit of official partisanship.

To Thomas Cooper, November 29th 176
Alexander of Russia—France's retrogression—Republican policy.

To Dr. Joseph Priestley, November 29th . . . 179
Alexander of Russia—Books on government—Republican policy—City of Washington.

Second Annual Message, December 15th . . . 181

To Cæsar A. Rodney, December 31st . . . 187
Need of men of business in Congress—Message.

1803.

To James Monroe, January 10th 188
Ferment in west—Nomination of Monroe.

To Thomas Paine, January 13th 189
Alleged coolness of Jefferson—Demands on time.

To the Special Envoy to France, January 13th . . 190
Ferment over New Orleans—Louisiana and the Floridas—Desires of United States—Conveyance in public ship.

Confidential Message on Expedition to the Pacific, January 18th 192

To the Governor of Kentucky, January 18th . . 202
Memorial of Kentucky—Right of deposit—Mission of Monroe—Resolution of House.

To P. S. Dupont De Nemours, February 1st . . 203
Friction with France—Right of deposit—Monroe's mission Importance of crisis—Dupont's good offices.

To the U. S. Minister to France, February 3d . . 209
Mission of Monroe.

To the Secretary of the Treasury, February 10th . 210
Documents relating to appointments.

PAGE

To Benjamin Hawkins, February 18th 211
Social discrimination—Removals—Civilization of Indians—Transfer of Indians—Personal views.

To Thomas McKean, February 19th 216
Re-election of McKean—Republican gains—Louisiana—Poisoning influence of office holding—Prosecutions for libel.

To Benjamin Rush, February 28th 219
Lewis and Clark's expedition—Personal health.

To the Secretary of State, March 22d . . . 221
Barbary powers—Kentucky News.

To the Secretary of the Treasury, March 28th . . 222
Morris—Pennsylvania schism.

Syllabus of an Estimate of the Merit of the Doctrines of Jesus, Compared with those of Others. April . 223

To John Bacon, April 30th 228
Federalism—Redress at New Orleans—Possible cession.

To the Postmaster-General, May 8th . . . 230
Virginia elections—Irritation towards France.

To Christopher Ellery, May 19th 231
Slave-trade criminal.

To the Postmaster-General, May 20th . . . 232
"Priest-ridden" Connecticut—Virginia elections.

To Levi Lincoln, June 1st 233
Newspaper article.

Answer to Gabriel Jones, June 235

Drafts of an Amendment to the Constitution, July . 241

To Horatio Gates, July 11th 249
Cession of Louisiana—Monroe *vs.* Livingston—Federalist policy—Territory acquired.

To the Secretary of the Treasury, July 12th . . 251
Citizen law—Republicanization of banks.

To the Special Commissioner on Spanish Boundary, July 15th 252
Land titles—Boundaries.

Queries as to Louisiana, July 15th [?] 253

PAGE

To William Duane, July 24th 255
Ward committee address on removals—Committee's New Haven reply—Offices in Pennsylvania—State removals.

To the Secretary of State, July 31st 260
Impressment—Governor of Louisiana.

To John Dickinson, August 9th 261
Cession of Louisiana—Boundaries—Constitutional difficulty—Payment.

To the Secretary of State, September 14th . . 263
Spanish policy.

To Doctor Benjamin Rush, October 4th . . . 264
Public mourning, etc.—European conflict.

Third Annual Message, October 17th . . . 266

Special Message, October 21st 274

To the Secretary of the Treasury, October 29th . 274
Plans concerning Louisiana.

Rules of Etiquette, November [?] 276

To the United States Minister to France, November 4th 277
Marriage of Jerome Bonaparte—Patterson family—Louisiana treaty—Pichon's proposal—Taking possession of New Orleans.

To John Breckenridge, November 24th . . . 279
Constitution for Louisiana—Abuse.

To John Randolph, December 1st 281
Relations with Congress and with sons-in-law.

To Dewitt Clinton, December 2d 282
New York politics—Proceedings of Congress—Louisiana.

To the Secretary of the Treasury, December 13th . 284
Bank law—Deadly influence of Bank of United States.

1804.

To the Special Envoy, January 8th 286
Private matters—European friends—Taking possession of Louisiana—Federalist opposition—Offer of governorship of Louisiana—Boundaries—Return of Pinckney—"Small news"—The message—Precedence—France and England.

PAGE

To Thomas McKean, January 17th 292
Amendment of Constitution—Re-election as a vindication—Government for Louisiana.

To Dr. Joseph Priestley, January 29th . . . 293
Letters—Morals of Jesus—Louisiana—Malthus.

To Cæsar A. Rodney, February 24th . . . 296
Retirement of Rodney.

To Elbridge Gerry, March 3d 297
Political changes.

To Col. Thomas Newton, March 5th 298
Fire at Norfolk and contribution.

To the Postmaster-General, April 16th . . . 298
Eastern Federal scheme of coalition.

To the Secretary of State, April 23d 300
Course of Great Britain—Death of daughter.

To the Secretary of the Navy, April 27th . . . 301
Morris—Conduct of ministers on loss of frigate *Philadelphia*.

To General John Armstrong, May 26th . . . 302
Offer of French mission.

To the Secretary of the Treasury, May 30th . . 303
Removals—Publication of reasons.

To Thomas Leiper, June 11th 304
Alleged remark of Jefferson concerning political society.

To Mrs. John Adams, June 13th 306
Thanks for sympathy—Friendship with John Adams—Midnight appointments.

To the Secretary of the State, July 5th . . . 309
Cabinet decision as to Louisiana boundaries.

To the Secretary of State, July 14th 313
Louisiana convention.

To the Secretary of State, August 7th . . . 313
Conduct of commissioners at Paris.

To the Secretary of State, August 15th . . . 314
Monroe's version of European schemes—Neutrality.

To John Page, August 16th 316
Yellow-fever parties—Jefferson's conclusions.

PAGE

To the Secretary of the Treasury, August 23d . . 317
Louisiana appointments.

To the Secretary of the Navy, August 28th . . 317
Attack of Truxton—Federalists in office.

To the Secretary of the Treasury, September 1st . 318
Louisiana appointments—Coercion of foreign powers to secure neutrality.

To the Secretary of the Treasury, September 8th . 319
Maritime aggressions near coast.

To the Spanish Minister, September 15th . . . 320
Relations with Spain—Invitation.

To the Attorney-General, September 16th . . 321
Aggressions of British ships.

To De Witt Clinton, October 6th 322
Aristides pamphlet.

Fourth Annual Message, November 8th . . . 323

To the Secretary of State, November 18th . . 332
Admiralty cases—Scott's decision.

To John Randolph, November 19th 333
Bill to protect harbors.

To Larkin Smith, November 26th 336
Reply to complaint—Patronage.

To Wilson Cary Nicholas, December 6th . . . 338
Virginia parties—Navy yards.

1805.

To John Taylor, January 6th 338
Term of presidency—Voluntary retirement.

To William A. Burwell, January 28th . . . 340
Perpetuation of slavery—Possibility of emancipation.

Second Inaugural Address, March 4th . . . 341

To Wilson Cary Nicholas, March 26th . . . 348
Appointment—Republican divisions.

To the Secretary of State, April 349
Designs of Great Britain—Louisiana boundaries.

PAGE

To the Secretary of the Treasury, April 3d . . 350
Temporary loan—Louisiana boundary.

To the United States Minister to Spain, April 27th . 350
Regret over not meeting—Relations with Spain.

To Dr. George Logan, May 11th 351
Poem on slavery—Necessity for guarded conduct—Schism in Pennsylvania—War with Federalism.

To James Sullivan, May 21st 354
Massachusetts politics—Political abuse—Attitude toward Sullivan.

To the Secretary of the Treasury, May 29th . . 356
Act concerning New Orleans—Public finances—Orleans revenue—Map of Indians.

To John Daly Burke, June 1st 357
Laws of Virginia—Virginia newspapers.

To Thomas Paine, June 5th 360
Farm of—Open air room—France and St. Domingo—Newspaper paragraphs—European news.

Notes on Armed Vessels, July 4th 362

Notes on Jefferson's Conduct during the Invasion of Virginia, August 363

To the Secretary of State, August 4th . . . 374
Mrs. Madison—Spanish affairs—Proposed treaty with Great Britain—Black convicts.

To the Secretary of the Treasury, August 7th . . 375
Termination of Spanish negotiation—Future course.

To the Secretary of State, August 25th . . . 376
Letter from Turreau—Treachery of France and necessity of friendship with Great Britain—Need of rain.

To the Secretary of State, August 27th . . . 377
Bonaparte's orders—Treaty with Great Britain—Private affairs.

To the Secretary of State, September 16th . . 379
Boundaries of Louisiana—Action of France—Alliance with Great Britain—Private news—Pinckney's return.

To the Secretary of State, October 11th . . . 380
Alliance with Great Britain—Dismissal of Spanish agents—Instruction of Bowdoin—Insurance companies.

PAGE

To the Secretary of the Treasury, October 23d . . 382
European war—Time for negotiation with France and Spain.

To Wilson Cary Nicholas, October 25th . . . 382
European war—Great Britain's encroachments on neutrals.

Cabinet Decision on Spain, November 14th . . 383

Draft of Fifth Annual Message, December 3d . . 384

Confidential Message on Spain, December 6th . . 397

To J. P. Reibelt, December 21st 402
Private correspondence—German emigrants—Merino sheep.

A Bill for Establishing a Naval Militia, December . 403

An Act for Classing the Militia and Assigning to Each Class its Particular Duties 409

1806.

To Uriah Tracy, January 412
Documents concerning nominations.

To the Secretary of War, January 6th . . . 413
Indian question of law.

To William A. Burwell, January 15th . . . 415
Parliamentary manual—Spanish news—English relations—Militia.

Special Message on Neutral Commerce, January 17th 416

To James Ogilvie, January 31st 417
Use of books at Monticello—Classification.

To C. F. Comte De Volney, February 11th . . 419
Polygraph—Madison's pamphlet—News of western expeditions—New animals—Western emigration—Mould-board.

To the Marquis de Lafayette, February 14th . . 421
Visit to America—Situation at New Orleans—Grant of lands.

To the United States Minister to France, February 14th 423
Storm against Armstrong—St. Domingo—Neutral rights.

To Joseph Hamilton Daveiss, February 15th . . 424
Reply to news of Burr's machinations.

PAGE

To Joel Barlow, February 24th 424
National Academy and University—Philosophical Society.

Circular to Cabinet on Defence of New Orleans, February 28th 425

To the Secretary of State, March 5th 427
Purchase of Florida.

To James Monroe, March 18th 428
Nicholson's resolutions—Randolph's withdrawal.

Special Message on Spanish Boundaries, March 20th . 429

To William Duane, March 22d 431
Personal relations and slander—Intercourse with republicans—Randolph—Attitude toward Great Britain—Cabinet discussions—Miranda—Presidential difficulties.

To Wilson Cary Nicholas, March 24th 434
Friendly settlement with Spain—Offer of appointment on commission.

To Cæsar A. Rodney, March 24th 435
Affairs of Louisiana—Randolph's secession.

To Thomas Paine, March 25th 436
Affairs with Great Britain and Spain—Geographical selection of commissioners—Neutral rights—Declines Paine's offer of services.

To Nathaniel Macon, March 26th 439
Enemies sowing tares—Meeting requested.

To the Emperor Alexander of Russia, April 19th . 439
Respect for Emperor—European events—Power of two men—Province of United States.

To John Tyler, April 26th 441
Appointment of midshipman—Session of Congress—European events—Randolph schism.

To William Charles Coles Claiborne, April 27th . 442
Views on New Orleans—Militia—Spain—Defences—Public mail—Lafayette's grant—Rebels—Pecan nuts—Councillor.

Draft of Proclamation Concerning *Leander*, May 3d . 445

To the United States Minister to Great Britain, May 4th 447
Parkey—Mercer's and Randolph's secessions—Republican strength—Monroe's course—Offer of governorship—Fox—British policy—*Leander* incident—Claim to Gulf Stream.

PAGE

To Samuel Smith, May 4th 450
Wilkinson's appointment—Union of civil and military.

To Jacob Crowninshield, May 13th 451
Leander incident—Navy—Proclamation—British negotiation.

To the Secretary of State, May 23d 453
Return of Armstrong—Letter to Tripoli—Rains.

To the Secretary of the Treasury, June 15th . . 454
Lafayette's grant—Harbor police.

To the Secretary of the Treasury, June 19th . . 455
Supplying of ships of war.

To Levi Lincoln, June 25th 456
Gerry and Heath's refusal of appointments—Negotiation with Great Britain—Spain and France—Appointment of marshal.

To the Secretary of the Treasury, June 26th . . 458
Right of citizenship and of expatriation.

To Thomas Mann Randolph, July 13th . . . 459
Quarrel of T. M. Randolph with John Randolph.

To the United States Minister to Spain, July 26th . 460
Misunderstanding between Bowdoin and Armstrong.

To the Secretary of State, August 8th . . . 462
Mellimenni—St. Thomas—Spanish fugitive—British fort at Carleton—New York marshal—Personal movements.

To the Secretary of the Treasury, August 15th . . 464
Trial of Smith and Ogden—Appointments—Drought.

To the Secretary of the Treasury, August 16th . . 465
Rule of Pardons.

To the Secretary of the Treasury, August 28th . . 465
Appointments—Florida negotiation—Use of public ships for private advantage.

To the Secretary of the Treasury, August 31st . . 466
Louisiana commissioners—Western roads.

To Joseph Hamilton Daveiss, September 12th . . 467
Acknowledging letters concerning Burr.

To W. A. Burwell, September 17th 468
Decrees—Notes on relations with Spain.

To George Morgan, September 19th 473
Information of Burr's movements.

PAGE

To the Secretary of State, September 23d . . 474
Reply to Turreau—Use of navy yard—Personal movements.

To Albert Gallatin, October 12th 475
Attempt to alienate—Respect.

To Meriwether Lewis, October 20th 476
Welcome—Indian curiosities.

To the United States Minister to Great Britain, October 26th 477
British negotiation—Mathematical instruments—Monroe's affairs.

To Andrew Ellicott, November 1st 479
Eclipse—Appointments and intolerance—Schisms in republicans.

Proclamation against Burr's Plot, November 27th . 481

Sixth Annual Message 482

Special Message on Great Britain 496

To Cæsar A. Rodney, December 5th 497
Burr—Spain—Rule of appointments.

To the Secretary of War, December 12th . . . 498
Military force of United States and defence from Spain.

To the Secretary of the Treasury, December 12th . 499
Appointments and removals.

Proclamation Concerning "Cambrian," etc. . . 499

To the Governor of Louisiana, December 20th . . 501
Burr's plot—Measures to be taken.

To Thomas Lieper, December 22d 502
Address—Danger of schism—Burr's plot.

To the Secretary of the Navy, December 23d . . 504
Burr's movements—Neutralizing measures.

ITINERARY AND CHRONOLOGY

OF

THOMAS JEFFERSON.

1801–1806.

1801.—Mar. 4.	At Washington.
	Inaugurated as President.
5.	Nominates Madison, Dearborn, and Lincoln to Cabinet.
	Nominates R. R. Livingston Minister to France.
8.	Cabinet decide on list of removals.
9.	Cabinet remit fines under Sedition law.
18.	Offers Paine passage in public vessel.
Apr. 1.	Leaves Washington.
5.	At Monticello.
26.	Leaves Monticello.
29.	At Washington.
May 14.	Appoints Gallatin Secretary of Treasury.
15.	Gallatin arrives at Washington.
	Cabinet discuss Barbary war.
	Squadron ordered to Mediterranean.
16.	Netherland, Portuguese, and Prussian Missions abolished.
	Federalist Marshals and Attorneys to be removed.
June 30.	Leaves Washington.
July 2.	At Monticello.
11.	At Washington.
12.	Replies to New Haven remonstrance.
15.	Appoints Robert Smith Secretary of Navy.
30.	Leaves Washington.
Aug. 4.	At Monticello.
Sept. 28.	Leaves Monticello.
Oct. 3.	At Washington.
22.	Reduction of Naval officers.

1801.—Nov. 6.	Outlines method of conducting Executive business.
12.	Drafts message on Duane, but suppresses it.
28.	Appoints Granger Postmaster-General.
Dec. 8.	Sends first annual message.
1802.—Jan. 6.	Sends list of appointments to Senate.
11.	Sends message on Washington City.
18.	Cabinet decision in re Tripoli.
27.	Sends message on Indians.
Feb. 2.	Sends message on military affairs.
Mar. 8.	Approves bill repealing Judiciary act.
Apr. 6.	Approves bill to repeal Internal taxes.
26.	Approves Judiciary bill.
May 5.	Leaves Washington.
8.	At Monticello.
June 2.	At Washington.
	Attacked by Callender.
July 21.	Leaves Washington.
25.	At Monticello.
Oct. 7.	At Washington.
16.	Right of deposit suspended.
21.	Cabinet decision on Tripoline war.
Nov. 15.	Replies to Connecticut address.
Dec. 15.	Sends second annual message.
22.	Sends special message on proceedings at New Orleans.
1803.—Jan. 11.	Nominates Monroe Joint Minister to France.
	Sends message on Spanish spoliations.
18.	Sends secret message on Lewis and Clark expedition.
	Sends message on Indians.
Mar. 17.	At Monticello.
Apr.	Prepares estimate of Christ.
9.	At Washington.
11.	Talleyrand offers to sell Louisiana.
May 2.	Louisiana treaty signed at Paris.
June	Writes article signed "Fair Play."
20.	Draws instruction for Lewis.
	Writes answer to Gabriel Jones.
July	Frames Louisiana amendment to Constitution.
16.	Cabinet discuss Louisiana treaty.
	Drafts "Queries" as to Louisiana.
22.	At Monticello.
24.	Makes informal reply to Ward Committee of Philadelphia.

1803.—July		Appoints Monroe Minister to Great Britain.
Oct.	1.	At Washington.
	17.	Sends third annual message.
	20.	Louisiana treaty ratified by Senate.
Nov.	?	Frames rules of Public Etiquette.
		Drafts bill for government of Louisiana.
	4.	Sends message on Barbary powers.
	14.	Transmits information concerning Louisiana.
	30.	Transmits additional information concerning Louisiana.
Dec.	5.	Sends message on Barbary war.
	21.	Sends message on Spanish claims.
	24.	Replies to Address of legislature of Tennessee.
1804.—Jan.	8.	Offers Monroe governorship of Louisiana.
	18.	Sends message on taking possession of Louisiana.
	26.	Called on by Burr.
Feb.	18.	Cabinet discussion of Louisiana boundaries.
		Approves act organizing Louisiana and Orleans.
Apr.	6.	At Monticello.
	17.	Daughter, Mary Eppes, dies.
May	1.	At Washington.
	26.	Cabinet settle Tripoline terms.
		Offers Armstrong French mission.
		Appoints Monroe Minister to Spain.
Aug.	7.	At Monticello.
Oct.	6.	At Washington.
	8.	Cabinet discuss Spanish affairs.
		Drafts bill for Harbor protection.
Nov.		Re-elected President of United States.
	8.	Sends fourth annual message.
	19.	Nominates Bowdoin Minister to Spain.
1805.—Feb.	2.	Electoral votes counted by Congress.
Mar.	2.	Attorney-General Lincoln resigns.
		Robert Smith appointed Attorney General.
		Jacob Crowninshield appointed Secretary of Navy.
	3.	Approves bill for Harbor protection.
	4.	Inaugurated as President.
	13.	At Monticello.
	19.	At Washington.
July	4.	Prepares notes on Armed Vessels.
	8.	Cabinet discuss neutral commerce.
	20.	At Monticello.
Aug.		Prepares notes on conduct in 1780–1.
		Suggests alliance with Great Britain.

1805.—Oct.	11.	At Washington.
Nov.	12.	Cabinet discuss Spanish affairs.
	14.	Cabinet frame terms for Spain.
	19.	Cabinet modify Spanish terms.
Dec.	3.	Sends fifth annual message.
	4.	Drafts resolutions on Spain for Congress.
	6.	Sends confidential message on Spain.
		Drafts bill for a naval-militia.
		Drafts bill classifying militia.
Dec.	20.	John Breckenridge nominated Attorney-General.
1806.—Jan.	13.	Sends message on Tripoline affairs.
	17.	Sends message on neutral commerce.
Feb.	6.	Sends confidential message on Great Britain.
	8.	Drafts resolutions concerning Spain.
		Warned by Daveiss of Burr's plot.
	19.	Sends message on Western exploration.
	24.	Aids Barlow to draft bill for a National University.
		Drafts bill for settling Orleans territory.
	28.	Nominates Bowdoin and Armstrong joint commissioners to Spain.
Mar.	14.	Pinkney selected by Cabinet for English mission.
	15?	Has interview with Burr.
	20.	Sends special message on Spanish boundaries.
	24.	Offers Cary commissionership to Spain.
		Sends confidential message on Great Britain.
	25.	Cabinet decision on Spanish affairs.
Apr.	16.	Writes letter to Alexander of Russia.
	19.	Nominates Monroe and Pinkney joint commissioners to Great Britain.
May	1.	Cabinet discuss *Leander* incident.
	3.	Issues *Leander* proclamation.
	10.	At Monticello.
June	7.	At Washington.
July	26.	At Monticello.
Oct.	4.	At Washington.
	22.	Cabinet discuss Burr plot.
	25.	Cabinet decision on Burr.
Nov.	8.	Orders to Wilkinson, in re Burr.
	27.	Issues proclamation against Burr.
Dec.	2.	Sends sixth annual message.
	3.	Sends special message on Great Britain.
	15.	Message on distressed French prepared, but not sent.
	20.	Issues proclamation against *Cambrian*.

THE WRITINGS OF
THOMAS JEFFERSON.

CORRESPONDENCE AND OFFICIAL PAPERS.

1801–1809.

INAUGURAL ADDRESS.[1]

[March 4, 1801]

FRIENDS & FELLOW CITIZENS

Called upon to undertake the duties of the first Executive office of our country, I avail myself of the presence of that portion of my fellow citizens which is here assembled to express

[1] This is the first draft, but it differs so little from the address as delivered that it does not seem necessary to also print the latter. In the Jefferson MSS. is the following, which I take to be a paragraph jotted down for the inaugural address, but for some reason not included.

"Wherever there are men there will be parties & wherever there are free men they will make themselves heard. Those of firm health & spirits are unwilling to cede more of their liberty than is necessary to preserve order, those of feeble constñs will wish to see one strong arm able to protect them from the many. These are the whigs and tories of nature. These mutual jealousies produce mutual security: and while the laws shall be obeyed all will be safe. He alone is your enemy who disobeys them. In all cases of danger or commotion learn to consider the laws as the standard to which you are to rally. If you find there your officers civil and military, go with them to the establishmt of order. If you find them not there, they are out of their place and must be brot back to the laws. Let this then be the distinctive mark of an American that in cases of commotion he enlists himself under no man's banner, enquires for no man's name but repairs to the standard of the laws. Do this & you need never fear anarchy or tyranny. Your govm̃t will be perpetual."

my grateful thanks for the favor with which they have been pleased to look towards me, to declare a sincere consciousness that the task is above my talents, & that I approach it wth y^{os} anx^{s} & awf^{l} presenttm^{s}, wch ye greatn^{s} of ye charge, & ye weakn^{s} of my pow^{rs} so justly inspire.

A rising nation spread over a wide & fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye; when I contemplate these transcend^{t} objects, & see the honor, the happin^{s}, & the hopes of this beloved country committed to the issue & the auspices of this day, I shrink from the contemplation, & humble myself before the magnitude of the undertaking.

Utterly indeed should I despair, did not the presence of many whom I here see, remind me, y^{t} in the oth^{r} high author^{ties} provid^{d} by our constñ, I sh^{ll} find resource^{s} of wsdm, of virt. & of zeal, on wch to rely und^{r} all difficulties.

To you then, gent. who are charg^{d} with the sover^{n} functions of legisn. & to those associated with you, I look wth encorgm^{t} for y^{r} guid^{ce} & supp^{rt} wch m enable us to steer wth safety, ye vess^{l} in wch w'r all mb^{kd} am^{dst} ye confl^{ctg} elem^{ts} of a troubl^{d} sea.

During the contest of opinion through which we have passed, the animation of discussions and of exertions, has sometimes worn an aspect which might impose on strangers unused to think freely, & to speak & to write what they think.

But this being now decided by the voice of the nation, enounced according to the rules of the constitution, all will of course arrange themselves under the will of the law, & unite in common efforts for the common good. All too w^{ll} bear in mind y^{s} sacr^{d} principle y^{t} y^{o} ye will of ye Major^{ty} is in all cases to prevail, that will, to be rightful, must be reasonable: that the Minor^{ty} possess y^{r} equal rights, wch equal laws must protect, & to violate would be oppression.

Let us then, fellow citizens, unite with one heart & one mind; let us restore to social intercourse that harmony & affection, without which Liberty, & even Life itself, are but dreary things.

And let us reflect that hav^{g} banish^{d} f^{rm} our land y^{r} religious intol^{ce} und^{r} wch mankind so long bled & suffered we h^{ve} yet gain^{d}

little, if we counte^{nce} a politic^{l} intolr^{ce}, as despot^{c} as wick^{d} & capable of as bitter & bloody persecution.

During the throes and convulsions of the antient world, dur^{g} the agonis^{d} spasms of infuriat^{d} man, seeking through blood & slaughter his long lost liberty, it was not wonderful that the agitation of the billows should reach even this distant & peaceful shore : that y^{s} sh^{d} be more felt & fear^{d} by some, & less by others, & sh^{d} divide opinions as to measures of safety.

But every difference of opinion, is not a difference of principle. We have called, by different names, brethren of the same principle. We are all republicans : we are all federalists.

If there be any among us who wish to dissolve this union, or to change its republican form, let them stand undisturbed, as monuments of the safety wth wch error of opin^{n} m b tolerat^{d} wh^{re} reas^{n} is left free to combat it.

I know ind^{d} y^{t} some honest men h^{ve} fear^{d} y^{t} a republican govm^{t} cann^{t} be strong ; y^{t} this govm^{t} is not strong enough. But w^{d} the honest patriot, in the full tide of successf^{l} experimen^{t} abandon a govm^{t} wch h^{s} so far kept us free & firm on ye theoretic & visionary fear y^{t} y^{s} govmt, the world's best hope m, by possibil^{ty}, want energy to preserve itself ?

I trust not. I believe this, on the contrary, the strongest government on earth.

I believe it the only one where every man, at the call of the law, would fly to the standard of the law ; would meet invasions of public order, as his own personal concern.

Some times it is said y^{t} Man cann^{t} be trust^{d} wth ye govmt of himself.—Can he y^{n} be trust^{d} wth ye govmt of others ? Or have we found angels in ye form of kings to govern him ?—Let History answ^{r} this question.

Let us y^{n} pursue wth cour^{ge} & confid^{ce} our own federl & republ princ. our atta^{mt} to Union and Representative govmt.

Kindly separate^{d} by nature, & a wide ocean, from the exterminating havoc of one quarter of the globe,

Too high-minded to endure the degradations of the others ;

Possessing a chosen country, with room enough for all descend^{ts} to the 1,000^{t}h & 1,000^{t}h generation ;

Entertaining a due sense of our equal right, to ye use of our

own faculties, to ye acqusit^ns^ of our own industry, to hon^r^ & confidce fr^m^ our fel. cit. result^g^ n^t^ from birth, but fr^m^ our actions & their sense of them, enlightn^d^ by a benign religion, profess^d^ indeed & practice^d^ in various forms, yet all of y^m^ inculcat^g^ honesty, truth, temper^ce^ gratitude, & the love of man, acknoleg^g^ & adoring an overruling providence, which by all it's dispensations proves that it delights in the happiness of man here, & his greater happiness hereafter :

With all these blessings, what more is necessary to make us a happy and a prosperous people ? Still one thing more, fel. cit. a wise & frug^l^ govmt, wch shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry & improvement, and shall not take from the mouth of labor the bread it has earned.

This is the sum of good govmt, & this is necessary to close the circle of our felicities.

About to enter fel. cit. on the exercise of duties, which comprehend everything dear & valuable to you, it is proper you should understand what I deem the essential principle of this govmt and consequently those which ought to shape it's administration.

I will compress them in ye narrow^st^ compass y w^ll^ bear, stat^g^ the gen^l^ principle, but not all it's limitations.

Equal & exact justice to all men, of whatever state or persuasion, religious or political :

Peace, commerce, & honest friendship with all nations, entangling alliances with none :

The support of the State govmts in all their rights, as ye most competent admns for our domestic concerns, and the surest bulwarks against anti republican tendencies :

The preservn of the Genl govmt, in it's whole constnal vigor, as ye sheet anchor of our peace at home, & safety abroad.

A jealous care of the right of election by the people, a mild & safe corrective of abuses, wch r lopp^d^ by ye sword of revoln, where peaceable remedies are unprovided.

Absolute acquiescence in ye decis^ns^ of ye Major^ty^ ye vit^l^ princip. of republics, fr^m^ wch is no appeal b^t^ to force, ye vit^l^ princip. & mmed^ns^ par^t^ of despotism.

A well discipl^d^ militia, our best reliance in peace, & for ye first

moments of war, till regulars may relieve them: The Supremacy of the Civil over the Military authority:

Economy in public expense, that labor may be lightly burthened:

The honest paiment of our debts and sacred preservation of the public faith:

Encouragement of Agriculture, & of Commerce as it's handmaid:

The diffusion of information, & arraignm^{t} of all abuses at the bar of the public reason:

Freedom of Religion, freedom of the press, & freedom of Person under the protection of the Hab. corpus: And trial by juries, impartially selected.

These Principles form ye bright constelln wch h^{s} gone before us, & guid^{d} our steps, thro' an age of Revoln and Reformn: The wisdom of our Sages, & blood of our Heroes, have been devoted to their attainment: they should be the Creed of our political faith, the Text of civic instruction, the Touchstone by which to try the services of those we trust; and should we wander from them, in moments of error or alarm, let us hasten to retrace our steps and to regain the road which alone leads to Peace, Liberty & Safety.

I repair then, fellow citizens to the post which you have assigned me.

With experience enough in subordinate stations to know the difficulties of this the greatest of all, I have learnt to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation & the favor which bring him into it.

Without pretensions to that high confidce you reposed in our first & greatest revolution^{y} character whose preeminent services had entitled him to the first place in his country's love, and had destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness & effect to the legal admn of your affairs.

I shall often go wrong thro' defect of judgment: when right, I shall often be thought wrong by y^{os} wh^{se} posit^{ns} w^{ll} n^{t} command a view of the whole ground.

I ask your indulgence for my own errors, which will never be

intentional : & your support agnst the errors of others who may condemn w^{t} they w^{d} n^{t} if seen in all it's parts.

The approbation implied by your suffrage, is a great consolation to me for the past ; and my future solicitude will be to retain the good opinion of y^{os} who h^{ve} bestowed it in advance, to conciliate that of others, by doing them all the good in my power, and to be instrumental to the happiness & freedom of all.

Relying then on the patronage of your good will, I advance with obedience to the work, ready to retire fr^{m} it whenev^{r} you become sensible how m^{ch} better choice it is in your power to make.

And may that infinite power which rules the destinies of the universe lead our councils to what is best, and give y^{m} a favorable issue for your peace & prosperity.

TO CHARLES PINCKNEY. J. MSS.

WASHINGTON, Mar. 6, 1801.

DEAR SIR,—Your favor of yesterday is just now put into my hands. It is so far from being improper to receive the communications you had in contemplation as to arrangements in your state, that I have been in the constant expectation you would find time to do me the favor of calling and making them, when we could in conversation explain them better than by writing, and I should with frankness & thankfulness enter into the explanations. The most valuable source of information we have is that of the members of the legislature, and it is one to which I have resorted & shall resort with great freedom. I expect Mr. Madison daily, and shall with pleasure join in conferences with yourself & him. But this ought not to prevent previous conversations between us. If you can be contented with a bad tavern dinner, I should be happy

if you would come and dine with our mess to-morrow, if convenient to you, or the next day, and if you could come half an hour before dinner, I would be alone that we might have some conversation; say at half after two. Or if this should not suit you any other time will be acceptable to me, but that I might be absent or engaged. Accept assurances of sincere esteem and respect from &c.

TO JOHN DICKINSON. J. MSS.

WASHINGTON, Mar. 6, 1801.

DEAR SIR,—No pleasure can exceed that which I received from reading your letter of the 21st ult. It was like the joy we expect in the mansions of the blessed, when received with the embraces of our fathers, we shall be welcomed with their blessing as having done our part not unworthily of them. The storm through which we have passed, has been tremendous indeed. The tough sides of our Argosie have been thoroughly tried. Her strength has stood the waves into which she was steered, with a view to sink her. We shall put her on her republican tack, & she will now show by the beauty of her motion the skill of her builders. Figure apart, our fellow citizens have been led hood-winked from their principles, by a most extraordinary combination of circumstances. But the band is removed, and they now see for themselves. I hope to see shortly a perfect consolidation, to effect which, nothing shall be spared on my part, short of the abandonment of the principles of our

revolution. A just and solid republican government maintained here, will be a standing monument & example for the aim & imitation of the people of other countries; and I join with you in the hope and belief that they will see, from our example, that a free government is of all others the most energetic; that the inquiry which has been excited among the mass of mankind by our revolution & it's consequences, will ameliorate the condition of man over a great portion of the globe. What a satisfaction have we in the contemplation of the benevolent effects of our efforts, compared with those of the leaders on the other side, who have discountenanced all advances in science as dangerous innovations, have endeavored to render philosophy and republicanism terms of reproach, to persuade us that man cannot be governed but by the rod, &c. I shall have the happiness of living & dying in the contrary hope. Accept assurances of my constant & sincere respect and attachment, and my affectionate salutations.

TO JAMES MONROE. J. MSS.

WASHINGTON, Feb [*i. e.* Mar.] 7, 1801.

DEAR SIR,—I had written the enclosed letter to Mrs. Trist, and was just proceeding to begin one to you, when your favor of the 6th was put into my hands. I thank you sincerely for it, and consider the views of it so sound, that I have communicated it to my coadjutors as one of our important evidences of the public sentiment, according to which we must shape our

course. I suspect, partly from this, but more from a letter of J. Taylor's which had been put into my hands, that an incorrect idea of my views had got abroad. I am in hopes my inaugural address will in some measure set this to rights, as it will present the leading objects to be conciliation and adherence to sound principle. This I know is impracticable with the leaders of the late faction, whom I abandon as incurables, & will never turn an inch out of my way to reconcile them. But with the main body of the federalists, I believe it very practicable. You know that the manœuvres of the year X. Y. Z. carried over from us a great body of the people, real republicans, & honest men under virtuous motives. The delusion lasted a while. At length the poor arts of tub plots, &c. were repeated till the designs of the party became suspected. From that moment those who had left us began to come back. It was by their return to us that we gained the victory in Nov, 1800, which we should not have gained in Nov, 1799. But during the suspension of the public mind from the 11th to the 17th of Feb, and the anxiety & alarm lest there should be no election, & anarchy ensue, a wonderful effect was produced on the mass of federalists who had not before come over. Those who had before become sensible of their error in the former change, & only wanted a decent excuse for coming back, seized that occasion for doing so. Another body, and a large one it is, who from timidity of constitution had gone with those who wished for a strong executive, were induced by the same timidity to come over

to us rather than risk anarchy: so that, according to the evidence we receive from every direction, we may say that the whole of that portion of the people which were called federalists, were made to desire anxiously the very event they had just before opposed with all their energies, and to receive the election which was made, as an object of their earnest wishes, a child of their own. These people (I always exclude their leaders) are now aggregated with us, they look with a certain degree of affection and confidence to the administration, ready to become attached to it, if it avoids in the outset acts which might revolt and throw them off. To give time for a perfect consolidation seems prudent. I have firmly refused to follow the counsels of those who have advised the giving offices to some of their leaders, in order to reconcile. I have given, and will give only to republicans, under existing circumstances. But I believe with others, that deprivations of office, if made on the ground of political principles alone, would revolt our new converts, and give a body to leaders who now stand alone. Some, I know, must be made. They must be as few as possible, done gradually, and bottomed on some malversation or inherent disqualification. Where we shall draw the line between retaining all & none, is not yet settled, and will not be till we get our administration together; and perhaps even then, we shall proceed *à talons*, balancing our measures according to the impression we perceive them to make.

This may give you a general view of our plan. Should you be in Albemarle the first week in April,

I shall have the pleasure of seeing you there, and of developing things more particularly, and of profiting by an intercommunication of views. Dawson sails for France about the fifteenth, as the *bearer* only of the treaty to Elsworth & Murray. He has probably asked your commands, and your introductory letters.

Present my respects to Mrs. Monroe, and accept assurances of my high and affectionate consideration and attachment.

TO HORATIO GATES.[1]

WASHINGTON, Mar. 8, 1801.

DEAR GENERAL,—I have to acknowledge your friendly letter of Feb. 9 as well as a former one. Before that came to hand an arrangement had been settled; and in our country you know, talents alone are not to be the determining circumstance, but a geographical equilibrium is to a certain degree expected. The different parts in the union expect to share the public appointments. The character you point out was known to me & valued of old. On the whole I hope we shall make up an administration which will unite a great mass of confidence, and bid defiance to the plans of opposition meditated by leaders who are now almost destitute of followers. If we can hit on the true line of conduct which may conciliate the honest part of those who were called federalists, & do justice to those who have so long been excluded from it, I shall hope to be able to obliterate, or rather to

[1] From the original in the possession of Dr. Thomas Addis Emmet of New York.

unite the names of federalists & republicans. The way to effect it is to preserve principle, but to treat tenderly those who have been estranged from us, & dispose their minds to view our proceedings with candour. This will end in approbation.

TO THOMAS M'KEAN. J. MSS.

WASHINGTON, Mar. 9, 1801.

DEAR SIR,—I have to acknolege the receipt of your favor of Feb. 20, and to thank you for your congratulations on the event of the election. Had it terminated in the elevation of Mr. Burr, every republican would, I am sure, have acquiesced in a moment; because, however it might have been variant from the intentions of the voters, yet it would have been agreeable to the Constitution. No man would more cheerfully have submitted than myself, because I am sure the administration would have been republican, and the chair of the Senate permitting me to be at home 8. months in the year, would, on that account, have been much more consonant to my real satisfaction. But in the event of an usurpation, I was decidedly with those who were determined not to permit it. Because that precedent once set, would be artificially reproduced, and end soon in a dictator. Virginia was bristling up I believe. I shall know the particulars from Gov. Monroe, whom I expect to meet in a short visit I must make home, to select some books, &c. necessary here, & make other domestic arrangements.

I am sorry you committed to the flames the communication of details you mention to have been preparing for me. They would have been highly acceptable, and would now be very encouraging, if [?] shouldered on two such massive columns as Pena. & Virga., nothing is to be feared. If it were not too troublesome I would still [*faded*] the communication at some leisure moment. I am sorry to see the germ of [*rest of letter missing*].

TO SAMUEL SMITH. J. MSS.

WASHINGTON, Mar. 9, 1801.

DEAR SIR,—By the time you receive this, you will have been at home long enough I hope to take a view of the possibilities, and of the arrangements which may enable you so to dispose of your private affairs, as to take a share in those of the public, and give your aid as Secretary of the Navy. If you can be added to the administration I am forming it will constitute a magistracy entirely possessed of the public confidence, that I shall [faded]. There is nothing to which a nation is not equal when it pours all its energies & zeal into the hands of those to whom they confide the direction of their force. You will bring us the benefit of adding in a considerable degree the acquiescence at least of the leaders who have hitherto opposed. Your geographical situation too is peculiarly advantageous, and will favor the policy of drawing our naval resources towards the states from which their benefits and production may be extended equally to all parts. But what renders it a matter not only of desire to us, but permit me to say, of moral duty in you, is that if you refuse where are we to find a substitute? You know that the knowledge of naval matters in this country is confined entirely to persons who are under other absolutely disqualifying circumstances. Let me then, dear sir, entreat you to join in conducting the affairs of our country, and to prove by consequences that the views they entertain in the

change of their servants are not to be without effect. In short if you refuse I must abandon from necessity, what I have been so falsely charged with doing from choice, the expectation of procuring to our country such benefits as may compensate the expenses of their navy. I hope therefore you will accede to the proposition. Everything shall be yielded which may accommodate it to your affairs. Let me hear from you favorably & soon. Accept assurances of my high & friendly consideration and esteem.

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

WASHINGTON, Mar. 12, 1801.

DEAR SIR,—I offer you my sincere condolences on the melancholy loss which has detained you at home: and am entirely sensible of the necessities it will have imposed on you for further delay. Mr. Lincoln has undertaken the duties of your office per interim, and will continue till you can come. General Dearborn is in the War Department. Mr. Gallatin, though unappointed, has stayed till now to give us the benefit of his counsel. He cannot enter into office till my return, and he leaves us tomorrow. In the meantime Dexter continues. Stoddart also accommodated me by staying till I could provide a successor. This I find next to impossible. R. R. L. first refused. Then Genl. Smith refused. Next Langdon. I am now returning on Genl. Smith, but with little confidence of success. If he will undertake 6. months or even 12. months hence I will appoint Lear in the meantime. He promised, if Langdon would take it for six months, he would in that time so dispose of his business as to come in. This makes me hope he may now accept in that way. If he does not, there is no remedy but to appoint Lear permanently. He is equal to the office if he possessed equally the confidence of the public. What a misfortune to the public that R. Morris has fallen from his height of character. If he could get from confinement, and the public give him confidence, he would be a most valuable officer in that station & in our council. But these are two impossibilities

in the way. I have ordered my chair and horses to meet me at Heron's on the 22d inst. not that I count on being there punctually on that day, but as near it as I can. I shall be at home a fortnight. I hope you will find it convenient to come on when I do or very soon after. Doctor Thornton means to propose to rent his house to you. It will be some two or three hundred yards distant from your office, but also that much nearer towards the Capitol. We shall have an agreeable society here, and not too much of it. Present my esteem to Mrs. Madison and accept yourself assurances of my constant and sincere attachment.

TO PHILLIP MAZZEI. J. MSS.

WASHINGTON, Mar. 17, 1801.

MY DEAR SIR,—Your letter of Dec. 6. is just received, and a person leaving this place tomorrow morning for Paris, gives me a safe conveyance for this letter to that place. I shall depend on Mr. Short's finding a conveyance from thence. Yet as I know not what that conveyance may be, I shall hazard nothing but small and familiar matters. My health, which wore a very threatening aspect at the date of the letter alluded to in yours, became soon reestablished and has been very perfect ever since. My only fear now is that I may live too long. This would be a subject of dread to me. It is customary here to 'wish joy' to a new married couple, and this is generally done by those present in the moment after the ceremony. A friend of mine however always delayed the wish of joy till one year after the ceremony, because he observed they had *by that time* need *of it*. I am entitled fully then to express the wish to you as you must now have been married at

least three years. I have no doubt however that you have found real joy in the possession of a good wife, and the endearments of a child. The vetches you were so good as to send by Baltimore came safely to hand; and being by that time withdrawn from my farm into public life again, I consigned them to a friend. The seeds which I sent you were of the Cymbling (cucurbita vermeosa) & squash (cucurbita melopipo) the latter grows with erect stems; the former trails on the ground altogether. The squash is the best tasted. But if you will plant the cymbling and pumpkin near together, you will produce the perfect equivalent of the squash, and I am persuaded the squash was originally so produced and that it is a hybridal plant. I perceive by these inquiries in your letter as well as by your express mention, that my latter letters have not reached you. I have regularly written to you once a year, and in one of these I answered these same inquiries fully. Should you be able to send me any plants of good fruit, and especially of peaches and *eating grapes*, they will be thankfully received and will be forwarded to me from any custom house of the United States. They should leave your continent as early in autumn as they can be taken up. You mention that E. Randolph expected to recover from Alexander the value of certificates left in the hands of Webb. Webb, Alexander & E. R. are all bankrupt, the first dead. That is desperate therefore; nor do I know of any thing unsettled of yours in this country, from which anything is to be expected but the price of Colle and

Anderson's bill. I think I shall be able finally to settle the affair of Colle on my return home, and to remit the amount of both to our friends V. Staphorsts. I meant to have solicited his amount for Derieux and his wife, who are reduced to the most abject poverty. They have 8. or 10. children, who often need the first necessaries of life. He is living on a small farm in one of the western counties, which some of us joined in buying a lease of for 20. years, and a horse &c. to stock it. He had before exhausted us in the article of contributions, so that this was the last he could expect. How far the change in your own situation renders this aid reasonably to be expected, is now questionable. You will have time to say yourself. Both the James Madisons, to wit, of Williamsbg and of Orange are living and well. The latter is now Secretary of State, but not yet come on. His father [*faded*] He with Gallatin as Secretary of the Treasury, Genl. Dearborn, Secretary at War and Mr. Lincoln Attorney Genl compose the new administration of the U. S. The person proposed as Secretary of the Navy has not yet accepted. I add no signature because of the perils by land and sea to which this may be exposed, but you can be at no loss from whom it comes. I shall be happy to hear from you often. Accept assurances of my constant & affectionate friendship. Adieu.

TO THOMAS PAINE.[1]

WASHINGTON, March 18, 1801.

DEAR SIR,—Your letters of Oct. 1st, 4th, 6th 16th, came duly to hand, and the papers which they covered were according to your permission, published in the newspapers and in a pamphlet, and under your own name. These papers contain precisely our principles, and I hope they will be generally recognized here. Determined as we are to avoid, if possible, wasting the energies of our people in war and destruction, we shall avoid implicating ourselves with the powers of Europe, even in support of principles which we mean to pursue. They have so many other interests different from ours that we must avoid being entangled in them.—We believe that we can enforce those principles as to ourselves by peaceful means, now that we are likely to have our public councils detached from foreign views. The return of our citizens from the phrenzy into which they have been wrought, partly by ill conduct in France, partly by artifices practised upon them, is almost extinct, and will, I believe become quite so. But these details, too minute and long for a letter, will be better developed by Mr. Dawson the bearer of this a member of the late congress, to whom I refer you for them. He goes in the Maryland sloop of war, which will wait a few days at Havre to receive his letters to be written on his arrival at Paris. You expressed a wish to get a passage to this country in a public vessel. Mr. Dawson is charged with orders to the captain of the Maryland

[1] From *The Balance*, II., p. 162, 1803.

to receive and accommodate you back if you can be ready to depart at such short warning. Rob. R. Livingston is appointed minister plenipotentiary to the republic of France, but will not leave this, till we receive the ratification of the convention by Mr. Dawson. I am in hopes you will find us returned generally to sentiments worthy of former times. In these it will be your glory to have steadily laboured and with as much effect as any man living. That you may long live to continue your useful labours and to reap the reward in the thankfulness of nations is my sincere prayer. Accept assurance of my high esteem and affectionate attachment.

TO JOSEPH MATHIAS GÉRARD DE RAYNEVAL, J. MSS.

WASHINGTON, Mar 20, 1801.

DEAR SIR,—Mr. Pichon, who arrived two days ago, delivered me your favor of Jan 1, and I had before received one by Mr. Dupont, dated Aug 24, 99, both on the subject of lands, claimed on behalf of your brother, Mr. Gerard, and that of Aug 24, containing a statement of the case. I had verbally explained to Mr. Dupont, at the time, what I presumed to have been the case, which must, I believe, be very much mistaken in the statement sent with that letter; and I expected he had communicated it to you.

During the regal government, two companies, called the Loyal & the Ohio companies, had obtained grants from the crown for 800,000, or 1,000,000 of acres of land, each, on the Ohio, on condition of settling them in a given number of years. They surveyed some, & settled them; but the war of 1755 came on, & broke up the settlements. After it was over, they petitioned for a renewal. Four other large companies then formed themselves, called the Mississippi, the Illinois, the Wabash, & the Indiana companies,

each praying for immense quantities of land, some amounting to 200 miles square; so that they proposed to cover the whole country north between the Ohio & Mississippi, & a great portion of what is south. All these petitions were depending, without any answer whatever from the crown, when the Revolution war broke out. The petitioners had associated to themselves some of the nobility of England, & most of the characters in America of great influence. When Congress assumed the government, they took some of their body in as partners, to obtain their influence; and I remembered to have heard, at the time, that one of them took Mr. Gerard as a partner, expecting by that to obtain the influence of the French court, to obtain grants of those lands which they had not been able to obtain from the British government. All these lands were within the limits of Virginia and that State determined, peremptorily, that they never should be granted to large companies, but left open equally to all; and when they passed their land law, (which I think was in 1778,) they confirmed only so much of the lands of the Loyal company as they had actually surveyed, which was a very small proportion, and annulled every other pretension. And when that State conveyed the lands to Congress, (which was not till 1784,) so determined were they to prevent their being granted to these or any other large companies, that they made it an express condition of the cession, that they should be applied first towards the soldiers' bounties, and the residue sold for the paiment of the national debt and for no other purpose. This disposition has been, accordingly, rigorously made, and is still going on; and Congress considers itself as having no authority to dispose of them otherwise.

I will particularly note the errors in the statement of Aug 99. It says the Congress granted to the Wabash company the lands on that river dividing them into 82 lots. Congress never meddled with them (much less granted them) till after the cession of Virginia. The company consisted perhaps of 80. persons, and of course the lands if they had been obtained, would have been divided into so many lots. It says 'again made this grant direct as a proof of their esteem &c.' Mr. Gerard left this country in 1779. The cession of lands by Virginia to Congress was not till 1784. It says that this intention of Congress was submitted to Lewis XVI.

who [faded] his minister to accept it. I believe the fact was that when the Wabash company proposed to associate Mr. Gerard as a partner, he thought it necessary first to ask leave from his sovereign who gave his assent. But in all this transaction Congress had nothing to do & meddled not.

I sincerely wish, Sir, it had been in my power to have given you a more agreeable account of this claim. But as the case actually is, the most substantial service is to state it exactly, and not to foster false expectations. I remember with great sensibility all the attentions you were so good as to render me while I resided in Paris, and shall be made happy by every occasion which can be given me of acknowledging them; and the expressions of your friendly recollection are particularly soothing to me.

TO DOCTOR JOSEPH PRIESTLEY. J. MSS.

WASHINGTON, Mar 21, 1801.

DEAR SIR,—I learnt some time ago that you were in Philadelphia, but that it was only for a fortnight; & supposed you were gone. It was not till yesterday I received information that you were still there, had been very ill, but were on the recovery. I sincerely rejoice that you are so. Yours is one of the few lives precious to mankind, & for the continuance of which every thinking man is solicitous. Bigots may be an exception. What an effort, my dear Sir, of bigotry in Politics & Religion have we gone through! The barbarians really flattered themselves they should be able to bring back the times of Vandalism, when ignorance put everything into the hands of power & priestcraft. All advances in science were proscribed as innovations. They pretended to praise and encourage education, but it was to be the education of our ancestors. We were to look backwards, not forwards, for improvement; the President himself declaring, in one of his answers to addresses, that we were never to expect to go beyond them in real science. This was the real ground of all the attacks on you. Those who live by mystery & *charlatanerie*, fearing you would render them useless by simplifying the Christian philosophy,—the most sublime & benevolent, but most perverted system that ever

shone on man,—endeavored to crush your well-earnt & well-deserved fame. But it was the Lilliputians upon Gulliver. Our countrymen have recovered from the alarm into which art & industry had thrown them; science & honesty are replaced on their high ground; and you, my dear Sir, as their great apostle, are on it's pinnacle. It is with heartfelt satisfaction that, in the first moments of my public action, I can hail you with welcome to our land, tender to you the homage of it's respect & esteem, cover you under the protection of those laws which were made for the wise and good like you, and disdain the legitimacy of that libel on legislation, which, under the form of a law, was for some time placed among them.[1]

As the storm is now subsiding, and the horizon becoming serene, it is pleasant to consider the phenomenon with attention. We can no longer say there is nothing new under the sun. For this whole chapter in the history of man is new. The great extent of our Republic is new. Its sparse habitation is new. The mighty wave of public opinion which has rolled over it is new. But the most pleasing novelty is, it's so quickly subsiding over such an extent of surface to it's true level again. The order & good sense displayed in this recovery from delusion, and in the momentous crisis which lately arose, really bespeak a strength of character in our nation which augurs well for the duration of our Republic; & I am much better satisfied now of it's stability than I was before it was tried. I have been, above all things, solaced by the prospect which opened on us, in the event of a non-election of a President; in which case, the federal government would have been in the situation of a clock or watch run down. There was no idea of force, nor of any occasion for it. A convention, invited by the Republican members of Congress, with the virtual President & Vice President, would have been on the ground in 8. weeks, would have repaired the Constitution where it was defective, & wound it up again. This peaceable & legitimate resource, to which we are in the habit of implicit obedience, superseding all appeal to force, and being always within our reach, shows a precious principle of self-preservation in our composi-

[1] In the margin is written by Jefferson "Alien law."

tion, till a change of circumstances shall take place, which is not within prospect at any definite period.

But I have got into a long disquisition on politics, when I only meant to express my sympathy in the state of your health, and to tender you all the affections of public & private hospitality. I should be very happy indeed to see you here. I leave this about the 30th inst., to return about the twenty-fifth of April. If you do not leave Philadelphia before that, a little excursion hither would help your health. I should be much gratified with the possession of a guest I so much esteem, and should claim a right to lodge you, should you make such an excursion.

TO DOCTOR GEORGE LOGAN. J. MSS.

WASHINGTON, Mar. 21, 1801.

DEAR SIR,—An immense press of business has prevented me sooner acknowleging your favors of Feb. 20. and 27. I join you in congratulations on the return of republican ascendancy; and also in a sense of the necessity of restoring freedom to the ocean. But I doubt, with you, whether the U. S. ought to join in an armed confederacy for that purpose; or rather I am satisfied they ought not. It ought to be the very first object of our pursuits to have nothing to do with the European interests and politics. Let them be free or slaves at will, navigators or agricultural, swallowed into one government or divided into a thousand, we have nothing to fear from them in any form. If therefore to take a part in their conflicts would be to divert our energies from creation to destruction. Our commerce is so valuable to them that they will be glad to purchase it when the only price we ask is to do us justice. I believe we have in our own hands the means of peaceable coercion; and that the moment they see our government so united as that they can make use of it, they will for their own interest be disposed to do us justice. In this way you shall not be obliged by any treaty of confederation to go to war for injuries done to others.

I will pray you to make my affectionate respects acceptable to Mrs. Logan and to receive yourself assurances of my constant esteem & attachment.

TO NATHANIEL NILES. J. MSS.

WASHINGTON, Mar 22, 1801.

DEAR SIR,—Your favor of Feb 12, which did not get to my hands till Mar 2, is entitled to my acknowledgments. It was the more agreeable as it proved that the esteem I had entertained for you while we were acting together on the public stage, had not been without reciprocated effect. What wonderful scenes have passed since that time! The late chapter of our history furnishes a lesson to man perfectly new. The times have been awful, but they have proved an useful truth, that the good citizen must never despair of the commonwealth. How many good men abandoned the deck, & gave up the vessel as lost. It furnishes a new proof of the falsehood of Montesquieu's doctrine, that a republic can be preserved only in a small territory. The reverse is the truth. Had our territory been even a third only of what it is, we were gone. But while frenzy & delusion like an epidemic, gained certain parts, the residue remained sound & untouched, and held on till their brethren could recover from the temporary delusion; and that circumstance has given me great comfort. There was general alarm during the pending of the election in Congress, lest no President should be chosen, the government be dissolved and anarchy ensue. But the cool determination of the really patriotic to call a convention in that case, which might be on the ground in 8. weeks, and wind up the machine again which had only run down, pointed out to my mind a perpetual & peaceable resource against [faded] force (?) [faded] in whatever extremity might befall us; and I am certain a convention would have commanded immediate and universal obedience. How happy that our army had been disbanded! What might have happened otherwise seems rather a subject of reflection than explanation. You have seen your recommendation of Mr. Willard duly respected. As to yourself, I hope we shall see you again in Congress. Accept assurances of my high respect and attachment.

TO WILLIAM B. GILES. J. MSS.

WASHINGTON, Mar. 23, 1801.

DEAR SIR,—I received two days ago your favor of the 16th, and thank you for your kind felicitations on my election; but whether it will be a subject of felicitation, permanently, will be for the chapters of future history to say. The important subjects of the government I meet with some degree of courage and confidence, because I do believe the talents to be associated with me, the honest line of conduct we will religiously pursue at home and abroad, and the confidence of my fellow citizens dawning on us, will be equal to these objects.

But there is another branch of duty which I must meet with courage too, though I cannot without pain; that is, the appointments & disappointments as to offices. Madison & Gallatin being still absent, we have not yet decided on our rules of conduct as to these. That some ought to be removed from office, & that all ought not, all mankind will agree. But where to draw the line, perhaps no two will agree. Consequently, nothing like a general approbation on this subject can be looked for. Some principles have been the subject of conversation, but not of determination; *e. g.* 1, all appointments to *civil* offices *during pleasure*, made after the event of the election was certainly known to Mr. A, are considered as nullities. I do not view the persons appointed as even candidates for the office, but make others without noticing or notifying them. Mr. A's best friends have agreed this is right. 2. Officers who have been guilty of *official* malconduct are proper subjects of removal. 3. Good men, to whom there is no objection but a difference of political principle, practised on only as far as the right of a private citizen will justify, are not proper subjects of removal, except in the case of attorneys & marshals. The courts being so decidedly federal & irremovable, it is believed that republican attorneys & marshals, being the doors of entrance into the courts, are indispensably necessary as a shield to the republican part of our fellow citizens, which, I believe, is the main body of the people.

These principles are yet to be considered of, and I sketch them to you in confidence. Not that there is objection to your moot-

ing them as subjects of conversation, and as proceeding from yourself, but not as matters of executive determination. Nay, farther, I will thank you for your own sentiments and those of others on them. If received before the 20th of April, they will be in time for our deliberation on the subject. You know that it was in the year X. Y. Z. that so great a transition from us to the other side took place, & with as real republicans as we were ourselves; that these, after getting over that delusion, have been returning to us, and that it is to that return we owe a triumph in 1800, which in 1799 would have been the other way. The week's suspension of the election before Congress, seems almost to have completed that business, and to have brought over nearly the whole remaining mass. They now find themselves with us, & separated from their quondam leaders. If we can but avoid shocking their feelings by unnecessary acts of severity against their late friends, they will in a little time cement & form one mass with us, & by these means harmony & union be restored to our country, which would be the greatest good we could effect. It was a conviction that these people did not differ from us in principle, which induced me to define the principles which I deemed orthodox, & to urge a reunion on those principles; and I am induced to hope it has conciliated many. I do not speak of the desperadoes of the quondam faction in & out of Congress. These I consider as incurables, on whom all attentions would be lost, & therefore will not be wasted. But my wish is, to keep their flock from returning to them.

On the subject of the marshal of Virginia, I refer you confidentially to Majr Egglestone for information. I leave this about this day se'nnight, to make some arrangements at home preparatory to my final removal to this place, from which I shall be absent about three weeks.

TO WILLIAM FINDLEY. J. MSS.

WASHINGTON, Mar. 24, 1801.

DEAR SIR,—I have to acknowledge the receipt of your favors of Feb. 28 & Mar. 5. I thank you for the information they contain, and will always be

thankful to you for information in the same line. It will always be interesting to me to know the impression made by any particular thing on the public mind. My idea is that where two measures are equally right, it is a duty to the people to adopt that one which is most agreeable to them; and where a measure not agreeable to them has been adopted, it is desirable to know it, because it is an admonition to a review of that measure to see if it has been really right, and to correct it if mistaken. It is rare that the public sentiment decides immorally or unwisely, and the individual who differs from it ought to distrust and examine well his own opinion. As to the character of the appointments which have been, & will be made, I have less fear as to the satisfaction they will give, provided the real appointments only be attended to, and not the lying ones of which the papers are daily full. The paper which probably will be correct in that article will be Smith's, who is at hand to get his information from the offices. But as to removals from office, great differences of opinion exist. That some ought to be removed all will agree. That all should, nobody will say: And no two will probably draw the same line between these two extremes; consequently nothing like general approbation can be expected. Malconduct is a just ground of removal: mere difference of political opinion is not. The temper of some states requires a stronger procedure, that of others would be more alienated even by a milder course. Taking into consideration all circumstances we can only do in every case what to us seems best,

and trust to the indulgence of our fellow-citizens who may see the same matter in a different point of view. The nominations crowded in by Mr. Adams after he knew he was not appointing for himself, I treat as mere nullities. His best friends do not disapprove of this. Time, prudence and patience will perhaps get us over this whole difficulty. Accept assurances of my high esteem & best wishes; & let me hear from you frequently, tho' it will be impossible for me to reciprocate frequently.

TO SAMUEL SMITH. J. MSS.

WASHINGTON, Mar. 24, 1801.

DEAR SIR,—I have to acknowledge the receipt of your favor of the 20th. The appointment of Secy. of the Navy, was immediately in receipt of your letter declining it, proposed to Mr. Jones of Philadelphia. I cannot have an answer from him till the night of the 26th. But I have great reason to expect a negative. In that case I will gladly for the public accept your offer to undertake it for a time. Besides that it will comprehend important questions to be immediately carried into effect; it will give us time to look for a successor. I mention it now in hopes that in the moment you receive notice from me of Mr. Jones' refusal, if it takes place, you may be so good as to be in readiness to come here for a few days. If I receive Jones' refusal on Thursday night you shall hear from me Friday night, & may be here I hope yourself on Saturday night. Sunday & Monday will probably suffice for the first decisions necessary, so that I may get away on Tuesday, which now becomes very urgent.

I inclose you the answer to the address you forwarded me. Though the expressions of good will from my fellow-citizens cannot but be grateful to me, yet I would rather relinquish the gratification, and see republican self-respect prevail over movements

of the heart too capable of misleading the person to whom they are addressed. However, their will, not mine, be done.

Mr. Kelty is appointed judge in the room of Mr. Duval. Mr. Nicholas's being a Virginian is a bar. It is essential that I be on my guard in appointing persons from that state. I sincerely wish Genl. Wilkinson could be appointed as you propose. But besides the objection from principle that no military commander should be so placed as to have no civil superior, his residence at the Natchez is entirely inconsistent with his superintendence of the military posts. This would then devolve on Hamtranck, who is represented as unequal to it. We must help Wilkinson in some other way. Be pleased to present my respects to Mrs. Smith & to accept yourself assurances of my high consideration & esteem.

TO ROBERT R. LIVINGSTON. J. MSS.

WASHINGTON, Mar. 24, 1801.

DEAR SIR,—Your favor of the 12th is just now at hand. With respect to the time of your departure it will depend on the return of Mr. Dawson with the ratification of the Convention. We may expect this in 4. months: so that you may have time enough to prepare for your departure soon after his arrival. We shall join with you a Secretary of Legation, to guard against any accident happening to yourself: and as we consider it advantageous to the public to make these apprenticeships to prepare subjects for principal duties hereafter, such a character has been sought out as will form a proper subject of future expectation. The elder son of General Sumpter from his rank in life & fortune, from an extraordinary degree of sound understanding & discretion, and the amiability of his temper & gentlemanly manners, has attracted our attention; it is proposed therefore to give him a commission of Secretary of Legation to accompany you, but it is not known that he will accept.[1] If he does, he will probably meet you there,

[1] Livingston seems to have objected to this appointment, for Jefferson wrote him:

"WASHINGTON, May 8, 1801.

"DEAR SIR:—Your favor of the 3d has been duly received. It will be a subject of real regret if the regulation we have adopted does not meet your

or more likely precede you. Accept assurances of my constant esteem, & high consideration & respect.

TO DOCTOR BENJAMIN RUSH. J. MSS.

WASHINGTON, March 24, 1801.

DEAR SIR,—I have to acknolege the receipt of your friendly favor of the 12th, and the pleasing sensations produced in my mind by it's affectionate contents. I am made very happy by learning that the sentiments expressed in my inaugural address gave general satisfaction, and holds out a ground on which our fellow citizens can once more unite. I am the more pleased, because these sentiments have been long and radically mine, and therefore will be pursued honestly and conscientiously. I know there is an obstacle which very possibly may check the confidence

wishes, and the more so as it is too far gone to be changed, acceptance having been received. I explained to you in my former letter the principles on which it was done, to wit, 1, to teach for public service in future such subjects as from their standing in society, talents, principles and fortune may probably come into the public councils. 2. to have a confidential person to take charge of the public papers and concerns in the case of the death of the principal. Nor is this new. When I went to France as a member of a commission, Humphreys was named as Secretary of Legation, without my having been consulted; and though I had previously engaged a private secretary who came over to me, no salary was allowed to him by the public as long as Humphreys staid. Humphreys lived in my family. So too Mr. Adams's Legation to England, Col. Smith was named Secretary by Congress and no private secretary allowed. The only difference in the regulations is that Congress allowed the Secretary of Legation the same salary (2,000 D.) as if acting as Charges des affaires: whereas we allow exactly the salary of a private secretary (1250 D) so as not to add to the public expense which we make a fundamental principle in every case. In Sumpter's character you have the utmost security, and his instructions shall moreover be pointed. Indeed the Secretary will find his interest in cultivating the patronage of his principal, as he cannot expect to remain in his family unless he can make himself agreeable, and he must moreover know, and will be told from us, that in case of disagreement or complaint he will be immediately recalled.

"With respect to the consul at Paris, Mr. Skipwith, who was consul there, was removed by Mr. Pickering for his politics, and a person appointed whom I disapprove entirely. Skipwith has accordingly been notified that his place will be

which would otherwise have been more generally reposed in my observance of these principles. This obstacle does not arise from the measures to be pursued, as to which I am in no fear of giving satisfaction, but from appointments & disappointments as to office. With regard to appointments, I have so much confidence in the justice and good sense of the federalists, that I have no doubt they will concur in the fairness of the position, that after they have been in the exclusive possession of all offices from the very first origin of party among us, to the 3d of March, at 9. o'clock in the night, no republican ever admitted, & this doctrine newly avowed, it is now perfectly just that the republicans should come in for the vacancies which may fall in, until something like an equilibrium in office be restored; after which "Tros Tyriusque nullo discrimine habetur." But the great stumbling block will be removals, which tho' made on those just principles only on which my predecessor ought to have removed the same persons, will

restored to him. He is a man of excellent character, long versed in the consular business, having been 11 or 12 years consul, first in the West Indies, afterwards at Paris, possessing all our business there at his fingers ends, the French language, laws and institutions being to him as his native ones, independent in his fortune, and remaining at Paris for his own satisfaction being a single man. I have known him from a small boy, and can assure you you will find him a most valuable and friendly aid till you get possessed of the ground yourself & indeed afterwards,

"While on the subject of the Secretary of Legation I should have observed in answer to your supposition that he would look on himself as heir apparent and successor to his principal, that on the contrary he will find himself excluded from the immediate succession by the rule established in General Washington's time, that no person should be continued or appointed to a foreign mission after an absence from his own country of 7. or 8. years. On this rule it is that Humphreys is recalled, having been about 11 years. I am persuaded you will find the difficulties you apprehend vanish in practice. The Secretaries of Legation, though named at first by the government, find themselves so entirely dependent on their principal for their accommodation, their character and even their continuance, that I have never known an instance where they have not been as perfectly pliant as a private secretary, except in the case of Carmichael & Jay, where I believe a bickering arose. But you know a greater one arose between Jay and his private secretary Littlepage. In hopes of seeing you here shortly according to the intimations in your letter, and of then explaining more fully, I conclude with a tender of my affectionate esteem and high respect & consideration."

nevertheless be ascribed to removal on party principles. Imprimis. I will expunge the effects of Mr. A.'s indecent conduct, in crowding nominations after he knew they were not for himself, till 9 o'clock of the night, at 12. o'clock of which he was to go out of office. So far as they are during pleasure, I shall not consider the persons named, even as candidates for the office, nor pay the respect of notifying them that I consider what was done as a nullity. 2d. Some removals must be made for misconduct. One of these is of the marshal in your city, who being an officer of justice, intrusted with the function of choosing impartial judges for the trial of his fellow citizens, placed at the awful tribunal of God & their country, selected judges who either avowed, or were known to him to be predetermined to condemn ; and if the lives of the unfortunate persons were not cut short by the sword of the law, it was not for want of *his* good-will. In another State I have to perform the same act of justice on the dearest connection of my dearest friend, for similar conduct, in a case not capital. The same practice of packing juries, & prosecuting their fellow citizens with the bitterness of party hatred, will probably involve several other marshals & attornies. Out of this line I see but very few instances where past misconduct has been in a degree to call for notice. Of the thousand of officers therefore, in the U S, a very few individuals only, probably not 20., will be removed ; & these only for doing what they ought not to have done. 2. or 3. instances indeed where Mr. A. removed men because they would not sign addresses, &c., to him, will be rectified—the persons restored. The whole world will say this is just. I know that in stopping thus short in the career of removal, I shall give great offence to many of my friends. That torrent has been pressing me heavily, & will require all my force to bear up against ; but my maxim is "*fiat justitia, ruat cœlum.*" After the first unfavorable impressions of doing too much in the opinion of some, & too little in that of others, shall be got over, I should hope a steady line of conciliation very practicable, and that without yielding a single republican principle. A certainty that these principles prevailed in the breasts of the main body of federalists, was my motive for stating them as the ground of reunion. I have said thus much for your private satisfaction, to be used even in

private conversation, as the presumptive principles on which we shall act, but not as proceeding from myself declaredly. Information lately received from France gives a high idea of the progress of science there; it seems to keep pace with their victories. I have just received from the A. P. Society, two volumes of Comparative Anatomy, by Cuvier, probably the greatest work in that line that has ever appeared. His comparisons embrace every organ of the animal carcass; and from man to the rotifer. Accept assurances of my sincere friendship, & high consideration & respect.

TO THE SPANISH CHARGÉ. J MSS.

(DON JOSEPH YZNARDI.)

WASHINGTON, Mar 26, 1801.

DEAR SIR,—The Secretary of State is proceeding in the consideration of the several matters which have been proposed to us by you, and will prepare answers to them, and particularly as to our vessels taken by French cruisers, & carried into the ports of Spain, contrary, as we suppose, to the tenor of the convention with France. Tho' ordinary business will be regularly transacted with you by the Secretary of State, yet considering what you mentioned as to our minister at Madrid to have been private and confidential, I take it out of the official course, and observe to you myself that under an intimate conviction of long standing in my mind, of the importance of an honest friendship with Spain, and one which shall identify her American interests with our own, I see in a strong point of view the necessity that the organ of communication which we establish near the King should possess the favor & confidence of that government. I have therefore destined for that mission a person whose accommodating & reasonable conduct, which will be still more fortified by instructions, will render him agreeable there, & an useful channel of communication between us. I have no doubt the new appointment by that government to this, in the room of the Chevalr d'Yrujo, has been made under the influence of the same motives; but still, the Chevalr d'Yrujo being intimately known to us, the integrity, sin-

cerity, & reasonableness of his conduct having established in us a perfect confidence, in nowise diminished by the bickerings which took place between him and a former Secretary of State, whose irritable temper drew on more than one affair of the same kind, it will be a subject of regret if we lose him. However, if the interests of Spain require that his services should be employed elsewhere, it is the duty of a friend to acquiesce ; and we shall certainly receive any successor the King may chuse to send, with every possible degree of favor & friendship. Our administration will not be collected till the end of the ensuing month ; and consequently, till then, no other of the mutual interests of the two nations will be under our view, except those general assurances of friendship which I have before given you verbally, & now repeat. Accept, I pray you, assurances of my high consideration and respect.

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

WASHINGTON, Mar. 26, 1801.

I am still here. Three refusals of the naval secretaryship have been received, and I am afraid of receiving a 4th this evening from Mr. Jones of Phila. In that case Genl. Smith has agreed to take it pro tempore so as to give me time ; and I hope the moment it is in either his or Jones's hands, to get away ; but this may be yet three four or five days. Lincoln is doing the duties of your office. He and Dearborn will remain here. Health, respect & affectionate attachment.

TO MRS. SARAH MEASE. J. MSS.

WASHINGTON, Mar. 26, 1801.

DEAR MADAM,—I am honored with your favor of the 20th inst. on the subject of Mr. Hall, & I readily ascribe honor to the motives from which it proceeds. The probable sufferings of a wife & numerous family are considerations which may lawfully

weigh in the minds of the good, and ought to prevail when unopposed by others more weighty. It has not been the custom, nor would it be expedient for the Executive to enter into details of justification for the rejection of candidates for offices or removal of those who possess them. Your good sense will readily perceive to what such contests would lead. Yet my respect for your understanding and the value I set on your esteem, induce me, for your own *private* & *personal* satisfaction *confidentially* to say that an officer who is entrusted by the law with the sacred duty of naming judges of life and death for his fellow-citizens, and who selects them exclusively from among his political & party enemies, ought never to have in his power a second abuse of that tremendous magnitude. How many widows & orphans would have been this day weeping in the bitterness of their losses had not a milder sense of duty in another stayed the hand of the executioner. I mean no reflection on the conduct of the jurors. They acted according to their conscientious principles. I only condemn an officer, important in the administration of justice, who select judges for principles which lead necessarily to condemnation. He might as well lead his culprits to the scaffold at once without the mockery of trial. The sword of the law could never fall but on those whose guilt is so apparent as to be pronounced by their friends as well as foes. Pardon, my dear Madam, these rigorous justifications of a duty which has been a painful one to me, & which has yet to be repeated in some cases of greater feeling. You will see in them proofs of my desire to preserve your esteem, & accept assurances of my highest consideration and respect.

TO HENRY KNOX. J. MSS.

WASHINGTON, Mar. 27, 1801.

DEAR SIR,—I received with great pleasure your favor of the 16. & it is with the greatest satisfaction I learn from all quarters that my inaugural address is considered as holding out a ground for conciliation & union. I am the more pleased with this, because

the opinion therein stated as to the real ground of difference among us (to wit, the measures rendered most expedient by French enormities) is that which I have long entertained. I was always satisfied that the great body of those called Federalists were real republicans as well as Federalists. I know indeed that there are monarchists among us. One character of these is in theory only, & perfectly acquiescent in our form of government as it is, and not entertaining a thought of disturbing it merely on their theoretic opinions. A second class, at the head of which is our quondam colleague, are ardent for the introduction of monarchy, eager for armies, making more noise for a great naval establishment than better patriots who wish it on a national scale only, commensurate to our wants and to our means. This last class ought to be tolerated but not trusted. Believing that (excepting the ardent monarchists) all our citizens agreed in antient Whig principles, I thought it advisable to define & declare them, and let them see the ground on which we could rally: and the fact proving to be so that they agree in these principles I shall pursue them with more encouragement. I am aware that the necessity of a few removals for legal oppressions, delinquencies & other official malversations, may be misconstrued as done for political opinions, & produce hesitation in the coalition so much to be desired; but the extent of these will be too limited to make permanent impressions. In the class of removals however I do not rank the new appointments which Mr. A crowded in with whip & spur from the 12th of

Dec. when the event of the election was known, (and consequently that he was making appointments, not for himself but his successor) untill 9. o'clock of the night at 12. o'clock of which he was to go out of office. This outrage on decency should not have its effect, except in the life appointments which are irremovable. But as to the others I consider the nominations as nullities and will not view the persons appointed as even candidates for their office, much less as possessing it by any title meriting respect. I mention these things that the grounds and extent of the removals may be understood, & may not disturb the tendency to union. Indeed that union is already affected from N. York southwardly almost completely. In the N. England states it will be slower than elsewhere from peculiar circumstances better known to yourself than me. But we will go on attending with the utmost solicitude to their interests, & doing them impartial justice, and I have no doubt they will in time do justice to us. I have opened myself frankly because I wish to be understood by those who mean well, and are disposed to be just towards me, as you are; because I know you will use it for good purposes only, and for none unfriendly to me. I leave this place in a few days to make a short excursion home where some domestic arrangements are necessary previous to my final removal here, which will be about the latter end of April. Be so good as to present my respects to Mrs. Knox, & accept yourself assurances of my high consideration & esteem.

TO GEORGE JEFFERSON. J. MSS.

WASHINGTON, Mar. 27, 1801.

DEAR SIR,—I have to acknoledge the receipt of yours of Mar. 4, and to express to you the delight with which I found the just, disinterested, & honorable point of view in which you saw the proposition it covered. The resolution you so properly approved had long been formed in my mind. The public will never be made to believe that an appointment of a relative is made on the ground of merit alone, uninfluenced by family views; nor can they ever see with approbation offices, the disposal of which they entrust to their Presidents for public purposes, divided out as family property. Mr. Adams degraded himself infinitely by his conduct on this subject, as Genl. Washington had done himself the greatest honor. With two such examples to proceed by, I should be doubly inexcusable to err. It is true that this places the relations of the President in a worse situation than if he were a stranger, but the public good, which cannot be affected if it's confidence be lost, requires this sacrifice. Perhaps, too, it is compensated by sharing in the public esteem. I could not be satisfied till I assured you of the increased esteem with which this transaction fills me for you. Accept my affectionate expressions of it.

TO SAMUEL ADAMS. J. MSS.

WASHINGTON, Mar. 29, 1801.

I addressed a letter to you, my very dear & antient friend, on the 4th of March: not indeed to you by name, but through the medium of some of my fellow

citizens, whom occasion called on me to address. In meditating the matter of that address, I often asked myself, is this exactly in the spirit of the patriarch of liberty, Samuel Adams? Is it as he would express it? Will he approve of it? I have felt a great deal for our country in the times we have seen. But individually for no one so much as yourself. When I have been told that you were avoided, insulted, frowned on, I could but ejaculate, 'Father, forgive them, for they know not what they do.' I confess I felt an indignation for you, which for myself I have been able, under every trial, to keep entirely passive. However, the storm is over, and we are in port. The ship was not rigged for the service she was put on. We will show the smoothness of her motions on her republican tack. I hope we shall once more see harmony restored among our citizens, & an entire oblivion of past feuds. Some of the leaders who have most committed themselves cannot come into this. But I hope the great body of our fellow citizens will do it. I will sacrifice everything but principle to procure it. A few examples of justice on officers who have perverted their functions to the oppression of their fellow citizens, must, in justice to those citizens, be made. But opinion, & the just maintenance of it, shall never be a crime in my view: nor bring injury on the individual. Those whose misconduct in office ought to have produced their removal even by my predecessor, must not be protected by the delicacy due only to honest men. How much I lament that time has deprived me of your aid. It would have

been a day of glory which should have called you to the first office of the administration. But give us your counsel my friend, and give us your blessing; and be assured that there exists not in the heart of man a more faithful esteem than mine to you, & that I shall ever bear you the most affectionate veneration and respect.

TO ELBRIDGE GERRY. J. MSS.

WASHINGTON, Mar. 29, 1801.

MY DEAR SIR,—Your two letters of Jan. 15 and Feb. 24, came safely to hand, and I thank you for the history of a transaction which will ever be interesting in our affairs. It has been very precisely as I had imagined. I thought, on your return, that if you had come forward boldly, and appealed to the public by a full statement, it would have had a great effect in your favor personally, & that of the republican cause then oppressed almost unto death, But I judged from a tact of the southern pulse. I suspect that of the north was different and decided your conduct; and perhaps it has been as well. If the revolution of sentiment has been later, it has perhaps been not less sure. At length it is arrived. What with the natural current of opinion which has been setting over to us for 18. months, and the immense impetus which was given it from the 11th to the 17th of Feb., we may now say that the U. S. from N. Y. southwardly, are as unanimous in the principles of '76, as they were in '76. The only difference is, that the leaders who remain behind are more numerous & bolder than the

apostles of toryism in '76. The reason is, that we are now justly more tolerant than we could safely have been then, circumstanced as we were. Your part of the Union tho' as absolutely republican as ours, had drunk deeper of the delusion, & is therefore slower in recovering from it. The ægis of government, & the temples of religion & of justice, have all been prostituted there to toll us back to the times when we burnt witches. But your people will rise again. They will awake like Sampson from his sleep, & carry away the gates & posts of the city. You, my friend, are destined to rally them again under their former banner, and when called to the post, exercise it with firmness & with inflexible adherence to your own principles. The people will support you, notwithstanding the howlings of the ravenous crew from whose jaws they are escaping. It will be a great blessing to our country if we can once more restore harmony and social love among its citizens. I confess, as to myself, it is almost the first object of my heart, and one to which I would sacrifice everything but principle. With the people I have hopes of effecting it. But their Coryphæi are incurables. I expect little from them.

I was not deluded by the eulogiums of the public papers in the first moments of change. If they could have continued to get all the loaves & fishes, that is, if I would have gone over to them, they would continue to eulogise. But I well knew that the moment that such removals should take place, as the justice of the preceding administration ought to have executed,

their hue and cry would be set up, and they would take their old stand. I shall disregard that also. Mr. Adams' last appointments, when he knew he was naming counsellors & aids for me & not for himself, I set aside as far as depends on me. Officers who have been guilty of gross abuses of office, such as marshals packing juries, &c., I shall now remove, as my predecessor ought in justice to have done. The instances will be few, and governed by strict rule, & not party passion. The right of opinion shall suffer no invasion from me. Those who have acted well have nothing to fear, however they may have differed from me in opinion: those who have done ill, however, have nothing to hope; nor shall I fail to do justice lest it should be ascribed to that difference of opinion. A coalition of sentiments is not for the interest of printers. They, like the clergy, live by the zeal they can kindle, and the schisms they can create. It is contest of opinion in politics as well as religion which makes us take great interest in them, and bestow our money liberally on those who furnish aliment to our appetite. The mild and simple principles of the Christian philosophy would produce too much calm, too much regularity of good, to extract from it's disciples a support for a numerous priesthood, were they not to sophisticate it, ramify it, split it into hairs, and twist it's texts till they cover the divine morality of it's author with mysteries, and require a priesthood to explain them. The Quakers seem to have discovered this. They have no priests, therefore no schisms. They judge of the text by the dictates of common sense & common

morality. So the printers can never leave us in a state of perfect rest and union of opinion. They would be no longer useful, and would have to go to the plough. In the first moments of quietude which have succeeded the election, they seem to have aroused their lying faculties beyond their ordinary state, to re-agitate the public mind. What appointments to office have they detailed which had never been thought of, merely to found a text for their calumniating commentaries. However, the steady character of our countrymen is a rock to which we may safely moor; and notwithstanding the efforts of the papers to disseminate early discontents, I expect that a just, dispassionate and steady conduct, will at length rally to a proper system the great body of our country. Unequivocal in principle, reasonable in manner, we shall be able I hope to do a great deal of good to the cause of freedom & harmony. I shall be happy to hear from you often, to know your own sentiments & those of others on the course of things, and to concur with you in efforts for the common good. Your letters through the post will now come safely. Present my best respects to Mrs. Gerry, & accept yourself assurances of my constant esteem and high consideration.

TO THE POSTMASTER-GENERAL. J. MSS.

(GIDEON GRANGER.)

WASHINGTON, Mar. 29. 1801.

DEAR SIR,—I have long been indebted to you a letter; but it has been because you desired me to write by Mr. Ervin the bearer of yours, who is not yet gone back. But in the meantime

I trust that the post is become a safe channel to and from me. I have heard indeed of some extraordinary licenses practiced in the post offices of your state, & there is nothing I desire so much as information of facts on that subject, to rectify the office. If you can be the means of furnishing them to me they will be thankfully & usefully esteemed. Nothing presents such difficulties of administration as offices. About appointments to them the rule is simple enough. The federalists having been in exclusive possession of them from the first origin of the party among us, to the 3d of Mar. 9. o'clock p.m. of the evening, at 12 of which Mr. A. was to go out of office, their reason will acknolege the justice of giving vacancies as they happen to those who have been so long excluded, till the same general proportion prevails in office which exist out of it. But removals are more difficult. No one will say that all should be removed, or that none should. Yet no two scarcely draw the same lines. I consider as nullities all the appointments (of a removable character) crowded in by Mr. Adams when he knew he was appointing counsellors and agents for his successor and not for himself. Persons who have perverted their offices to the oppression of their fellow citizens, as marshals packing juries, attorneys grinding their legal victims, intolerants removing those under them for opinion's sake, substitutes for honest men removed for their republican principles, will probably find few advocates even among their quondam party. But the freedom of opinion, and the reasonable maintenance of it, is not a crime, and ought not to occasion injury. These are as yet matters under consideration, our administration having never yet been assembled to decide finally on them. However some of them have in the meantime been acted on in cases which pressed. There is one in your state which calls for decision, and on which Judge Lincoln will ask yourself and some others to consult & advise us. It is the case of Mr. Goodrich,[1]

[1] Jefferson also wrote to Pierrepont Edwards as follows :

"WASHINGTON, Mar. 29, 1801.

"SIR,—You will doubtless have long ago learned that the office which was the subject of your two favors to me was filled by Mr. Adams some days before he went out of office. I have not considered as candid, or even decorous the

whose being a recent appointment, made a few days only before Mr. Adams went out of office, is liable to the general nullification I affix to them. Yet there might be reason for continuing him: or if that would do more harm than good, we should inquire who is the person in the state who, superseding Mr. Goodrich, would from his character & standing in society, most effectually silence clamor, and justify the executive in a comparison of the two characters. For though I consider Mr. G's appointment as a nullity in effect, yet others may view it as a possession and removal, and ask if that removal has been made to put in a better man? I pray you to take a broad view of this subject, consider it in all its bearings, local and general, and communicate to me your opinion. And on all subjects and at all times I shall highly prize your own communications to me, and solicit them earnestly. The immense pressure of my other duties will not allow me to write letter for letter; but you must excuse that, and consider a sacrifice you ought to make to the public service; especially assured, as you may be, that your letters, though not acknowl-

crowding of appointments by Mr. A. after he knew he was making them for his successor and not for himself even to 9. o'clock of the night at twelve of which he was to go out of office. I do not think I ought to permit that conduct to have any effect, as to the offices removable in their nature. Of course this would leave me free to fill Mr. Goodrich's place by any other person. This is a subject worthy of mature consideration, and therefore Judge Lincoln will ask of yourself & some few of your fellow laborers, who best know all the circumstances which ought to weigh, to consult and advise us on this subject; taking a broad view of it, general as well as local. If it be thought that there may be a character, which might prevail in a comparison with Mr. Goodrich's & whose appointment would better further the progress of republican opinion, be so good as to favor us with your sentiments either addressed to myself directly, or to Mr. Lincoln. And in all cases I invite, & shall receive with great thankfulness your opinion & that of others on the course of things, & particularly in the suggestion of characters who may worthily be appointed to vacancies which happen within your knolege. Your spontaneous information too would be desirable, without waiting for the solicitation of those who wish office. My other occupations may not permit me to return you my thanks on every special occasion of receiving your information, and therefore I must hope it on the score of public not personal favors & refer you for the acknowledgment to the effect which you may be assured your opinions will have here. Accept assurances of my high consideration & respect."

edged, will not be unattended to in their effect. I particularly ask your opinion of characters suitable for any office which becomes vacant in your knolege, and would rather receive your voluntary and spontaneous information, than that which is extorted by solicitation of parties interested. Accept assurances of my perfect esteem & high consideration & respect.

TO ARCHIBALD STUART.[1]

MONTICELLO Apr 8. 1801.

DEAR SIR,—I arrived here on the 4th and expect to stay a fortnight in order to make some arrangements preparatory to my final removal to Washington—you know that the last Congress established a Western judiciary district in Virginia, comprehending chiefly the Western counties. Mr. Adams, who continued filling all the offices till 9 oclock of the night, at 12 of which he was to go out of office himself, took care to appoint for this district also. The judge of course stands till the law shall be repealed, which we trust will be at the next Congress. But as to all others, I made it immediately known, that I should consider them as nullities, and appoint others: as I think I have a preferable right to name agents for my own administration, at least to the vacancies falling after it was known that Mr. Adams was not naming for himself. Consequently we want an Attorney & Marshal for the Western district. I had thought of Mr. Coalter, but I am told he has a clerkship incompatible with it by our laws. I thought also of Hugh Holmes; but I fear he is so far off he could

[1] From the original in the possession of the Virginia Historical Society.

not attend the court, which is to be in Rockbridge. I believe this is the extent of my personal knowledge. Pray recommend one to me, as also a marshal; and let them be the most respectable & unexceptionable possible; and especially let them be republican. The only shield for our Republican citizens against the federalism of the courts is to have the Attornies & Marshals republicans. There is nothing I am so anxious about as good nominations, conscious that the merit as well as reputation of an administration depends as much on that as on it's measures. Accept assurances of my constant esteem & high consideration & respect.[1]

TO THE POSTMASTER-GENERAL. J. MSS.

(GIDEON GRANGER.)

WASHINGTON, May 3, 1801.

DEAR SIR,—I wrote you on the 29th of March. Yours of the 25th of that month, with the address it covered, had not reached this place on the 1st of April, when I set out on a short visit to my residence in Virginia, where some arrangements were necessary previous to my settlement here. In fact, your letter came

[1] In continuation Jefferson wrote to Stuart:

MONTICELLO Apr 25. 1801.

DEAR SIR,—I wrote on the 8th inst. to ask your recommendation of an Attorney & Marshell for the Western district of this state, but I learn you were absent on your circuit. On the inquiry I have been able to make, I have appointed Mr John Monroe, attorney, but I cannot decide between Andrew Alexander, John Alexander, & John Camphers, recommended by different persons for the Marshell's office. Pray write me your opinion, which appointment would be most respected by the public, for that circumstance is not only generally the best criterion of what is best, but the public respect can alone give strength to the government. I set out tomorrow to take up my residence in Washington where I shall hope to receive a letter from you. Accept assurances of my sincere esteem & respect.

to me at Monticello only the 24th of April, two days before my departure from thence. This, I hope, will sufficiently apologize for the delay of the answer, which those unapprised of these circumstances will have thought extraordinary.

A new subject of congratulation has arisen. I mean the regeneration of Rhode island. I hope it is the beginning of that resurrection of the genuine spirit of New England which arises for life eternal. According to natural order, Vermont will emerge next, because least, after Rhode island, under the yoke of hierocracy. I have never dreamt that all opposition was to cease. The clergy, who have missed their union with the State, the Anglomen, who have missed their union with England, and the political adventurers, who have lost the chance of swindling & plunder in the waste of public money, will never cease to bawl, on the breaking up of their sanctuary. But among the people, the schism is healed, and with tender treatment the wound will not re-open. Their quondam leaders have been astounded with the suddenness of the desertion; and their silence & appearance of acquiescence has proceeded not from a thought of joining us, but the uncertainty what ground to take. The very first acts of the administration, the nominations, have accordingly furnished something to yelp on; and all our subsequent acts will furnish them fresh matter, because there is nothing against which human ingenuity will not be able to find something to say.

Accept assurances of my sincere attachment & high respect.

TO GOUVERNEUR MORRIS. J. MSS.

WASHINGTON, May 8. 1801.

DEAR SIR,—Your favor of the 8th Apr. found me at Monticello on a short visit to make some arrangements preparatory to my removal here. I returned on the 30th & have taken time to examine into the state of our furniture funds. After procuring all other more essential articles I think there will be about

4,000 D. which might be better invested in plate than in more perishable articles. If therefore it would answer your views to divide the set we could take that amount. Tureens, dishes &c. are the articles most desirable. Forks & spoons the least so, because we have enough of them. It is not impossible but that our fund may by good management go to the whole; but I do not think it would be safe to count on it. If you are disposed to divide the set it would depend on what you would propose to do with what we do not take, whether the whole had as well come here or not. Because if the residue is destined for the mint, it might go to it from here, & that would embrace the chance of our funds proving competent to take the whole. On this view of the subject you will be so good as to decide whether to send hither all, a part, or none. It should be insured, & come by a known captain, addressed to John Barnes, Georgetown, or to myself here. It should come also without delay, as we propose to absent ourselves from this place during the two sickly months, viz., August & September.

We have nothing interesting from abroad more than you see in the papers. Dr. Stevens having desired to return, I have appointed mr. Lear to take his place. It is a difficult, tho' only a smaller mission, & the person ought to possess the confidence of the English, French [*faded*] & ourselves—I believe I shall have to advertise for a Secretary of the Navy. Genl. Smith is performing the duties gratis, as he refuses both commission & salary even his expenses, lest it should affect his seat in the H. of R. He will prob-

ably have everything completely disposed according to the directions of the law by the last of June. Accept assurances of my friendly consideration & respect.

TO THEODORE FOSTER. J. MSS.

WASHINGTON, May 9, 1801.

DEAR SIR,—Your favor of Apr. 28 has been duly received, & I sincerely rejoice with you in the regeneration of your state, and the evidence they have given of a return from the phrenzy of 98. I confidently hope the mass of our countrymen everywhere will be shortly united, with the exception of a few too far committed to retreat. I am sure the measures I mean to pursue are such as would in their nature be approved by every American who can emerge from preconceived prejudices; as for those who cannot we must take care of them as of the sick in our hospitals. The medicine of time and fact may cure some of them.

You will have seen that your recommendation in favor of Mr. Barnes, has been more than respected, as he has been offered a judge's commission, in the place which Mr. Greene had expected. Though I had observed Mr. Greene to be very decidedly in the principles called federal, yet he was gentlemanly and liberal in his manners, and had inspired me with a degree of estimation which I did not feel for some others. But you know the measure which was practiced on the 4th of Mar. to prepare a negative for one of the most important nominations it was ex-

pected I should make. They meant by crippling my rigging to leave me an unwielded hulk, at the mercy of the elements. To this manœuvre Mr. Greene lent himself, going out of the line of conscientious duty to put himself in the way of this operation. When, therefore his commission proved to have been a nullity, and it fell on me to fill the place, I could not in prudence put into power one who had given such a proof of the use he would make of it to obstruct and embarrass my administration.

I shall always be happy to receive your letters, and information of all interesting occurrences, as well as reflecting fit characters for public offices, about the proper filling of which I am most anxious of all things. Accept assurance of my friendly esteem & high respect and consideration.

TO NATHANIEL MACON. J. MSS.

WASHINGTON, May 14, 1801.

DEAR SIR,—Your favors of Apr. 20th and 23d had been received, and the commission made out for Mr. Potts, before I received the letter of the 1st inst. I have still thought it better to forward the commission, in the hope that reconsideration, or the influence of yourself and friends, might induce an acceptance of it. Should it be otherwise, you must recommend some other good person, as I had rather be guided by your opinion than that of the person you refer me to. Perhaps Mr. Potts may be willing to stop the gap till you meet and repeal the law. If he does not,

let me receive a recommendation from you as quickly as possible. And in all cases, when an office becomes vacant in your State, as the distance would occasion a great delay were you to wait to be regularly consulted, I shall be much obliged to you to recommend the best characters. There is nothing I am so anxious about as making the best possible appointments, and no case in which the best men are more liable to mislead us, by yielding to the solicitations of applicants. For this reason your own spontaneous recommendation would be desirable. Now to answer your particulars, *seriatim*,—

Levees are done away.

The first communication to the next Congress will be, like all subsequent ones, by message, to which no answer will be expected.

The diplomatic establishment in Europe will be reduced to three ministers.

The compensations to collectors depend on you, and not on me.

TO GEORGE CLINTON. J. MSS.

WASHINGTON, May 17, 1801.

DEAR SIR,—To you I need not make the observation that of all the duties imposed on the executive head of a government, appointment to office is the most difficult & most irksome. You have had long experience of it, and are, I hope, by this time ascertained of being in the way of experiencing it again, on which accept my sincere congratulations. Dis-

posed myself to make as few changes in office as possible, to endeavor to restore harmony by avoiding everything harsh, and to remove only for malconduct, I have nevertheless been persuaded that circumstances in your state, and still more in the neighboring states on both sides, require something more. It is represented that the Collector, Naval officer, & Supervisor ought all to be removed for the violence of their characters & conduct. The following arrangement was agreed on by Colo. Burr & some of your Senators & representatives. David Gelston, collector, Theodorus Bailey, Naval officer, & M. L. Davis, Supervisor. Yet all did not agree in all the particulars, & I have since received letters expressly stating that Mr. Bailey has not readiness & habit enough of business for the office of Naval officer, & some suggestions that Mr. Davis's standing in society, & other circumstances will render his not a respectable appointment to the important office of Supervisor. Unacquainted myself with these & the other characters in the state which might be proper for these offices, & forced to decide on the opinions of others, there is no one whose opinion would command with me greater respect than yours, if you would be so good as to advise me, which of these characters & what others would be fittest for these offices. Not only competent talents, but respectability in the public estimation are to be considered. You may be assured that your information to me shall be confidential & used only to inform my own judgment. We also want a marshall for the Albany district. S. Southwick had been

thought of but he will not accept. Will you be so good as to propose one? Hoping for your friendly aid in these appointments, I pray you to accept assurances of my perfect esteem & high consideration & respect.

TO WILLIAM DUANE. J. MSS.

May 23, 1801.

DEAR SIR,—I have duly received your favor of the 10th & shall always be thankful for any information you will favor me with, interesting to our affairs, & particularly which may enable me to understand the differences of opinion and interest which seem to be springing up in Pensva. & to be subjects of uneasiness. If that state splits it will let us down into the abyss. I hope so much from the patriotism of all, that they will make all smaller interests give way to the greater importance of the general welfare.

I now write to Mr. Boudinot, forwarding the specimens of Mr. Reich's talents as an engraver, and recommending to him to consider whether he may not be usefully employed for the public. Will you be so good as to mention this to Reich & to desire him to present himself to Mr. Boudinot two or three days after you shall have received this.

As to your proposition on the subject of stationery I believe you may be assured of the favor of every department here. You have no doubt contemplated placing your supplies here. My custom is inconsiderable & will only shew my desire to be useful to you.

From a paragraph in your letter to Mr. Gallatin I

think you must have forgotten the particulars of what passed here on the subject of the prosecution against you. To recall it to your mind I will just recapitulate that I asked if you could give me an exact list of the prosecutions of a *public* nature against you, & over which I might have a controul; observing that whenever in the line of my functions I should be met by the Sedition law, I should treat it as a nullity. That therefore, even in the prosecution recommended by the Senate, if founded on that law I would order a nolle prosequi; but out of respect to that body should be obliged to refer to the attorney of the district to consider whether there was ground of prosecution in any court and under any law acknowledged of force. I thought you expressed some dislike to a change of judicature and you could not furnish then a correct statement of the prosecutions, but would do it after your return to this city. This at least was the impression left on my mind, and I ascribed your not having furnished so specific a list of the prosecutions as would enable me to interpose with due accuracy either to the distance of the trials or perhaps a willingness to meet the investigation before a jury summoned by an impartial officer. The trial on behalf of the Senate being postponed, you have time to explain your wishes to me, and if it be done on a consultation with Mr. Dallas, it may abridge the operations which shall be thought proper.[1]

[1] On this case of Duane Jefferson wrote to R. R. Livingston as follows:

"WASHINGTON, May 31, 1801.

DEAR SIR,—Our attorney general being absent, and none of the other members of the administration being professional lawyers, I am obliged to decide

I accept with acknoledgment Mrs. Bache's compliments, & beg leave to tender her my sincere respect, & to yourself salutations & my best wishes.

for myself in a case of law, which, in whatever way I decide, will make a great deal of noise. In this situation I ask the favor of you as a friend, and as a lawyer still in the habit of law reading, which I have not been for 30. years, to tell me what you think on the following questions arising in the case of Duane, imprisoned for [*faded*] days for contempt of court in printing matters, not pretended to be untrue relating to a case depending in court, in which he was a party?

1. Have not the *Whig* lawyers of England always denied that the publication of truth could be either a contempt or a libel.

2. If the *printing* of truth may be a contempt in England, can it be in the U. S. the constitution of which inhibits any law abridging the freedom of the press.

3. If it may be a contempt even in the U. S, may it not be pardoned by the President under that authority to pardon all offences against the U. S. except cases of impeachment? If either of these questions be answered in the affirmative, Duane may be relieved by pardon. If they [*faded*] whether we consider this as [*Rest illegible*]."

Jefferson also prepared the following message, but I cannot find that it was ever transmitted to the Senate:

"GENT. OF THE SEN.—By a resoln. of the Senate of the 14th of Mar. 1800. the President was requested to instruct the proper law officer to prosecute William Duane editor of the newspaper called the Aurora for certain publications in that newspaper of the 19th of Feb. 1800. Learning on my accession to the administration that the prosecution had been so instituted as to rest principally, if not solely, on the act called the Sedition Act, I caused it to be discontinued & another to be instituted under whatsoever other laws might be in existence against the offence alledged. If such other laws did exist the object would be obtained which was desired by the Senate, but if the State of the laws before the passage of that act had left the printer to make the publication complained of then the Sedition Act abridging that freedom was contrary to the very letter of the Constitution which declares that Congress shall make no law abridging the freedom of the press and consequently it was void. A new prosecution was accordingly instituted and brought forward with diligence, but the grand jury not finding the bill it remains without effect. In this procedure I have endeavored to do the duty of my station between the Senate and Citizen, to pursue for the former that legal vindication which was the object of their resolution; to cover the latter with whatsoever of protection the Constitution had guarded him & to secure to the press that degree of freedom in which it remained under the authority of the states, with whom alone the power is left of abridging that freedom, the general Government being expressly excluded from it.

TO JAMES MONROE. J. MSS.

WASHINGTON, May 26th, 1801.

DEAR SIR,—In mine of the 22d I forgot to write on the subject of Callender, tho' I had reserved that, for some time, to make a part of the letter. D. M. R.

"The correspondence on this subject with the attorney of the district will shew more fully the details of the proceedings in this case."

On the subject of this message Jefferson wrote to Gallatin:

"November 12, 1801.

". . . The enclosed rough draft of a message I had prepared for the Senate will show you the views in conformity with which were all the instructions which went from hence relative to the Senatorial complaint against Duane. My idea of new prosecution was not that our Attorney should ever be heard to urge the common law of England as in force otherwise than so far as adopted in any particular State, but that, 1st, he should renew it in the Federal court if he supposed there was any Congressional statute which had provided for the case (other than the Sedition Act,) or if he thought he could show that the Senate had made or adopted such a *lex parliamentaria* as might reach the case; or, 2d, that he should bring the prosecution in the State court of Pennsylvania, if any statute of that State, or statutory adoption of the common law of England, had made the offence punishable. These are my views. They were not particularly given by way of instruction to the Attorney, because it was presumed they would occur to him, and we did not choose, by prescribing his line of procedure exactly, to take on ourselves an unnecessary responsibility. I will thank you to return the paper, as well for this message as for the sketches, on the back of it, of some paragraphs of the first message to Congress, of which, in a day or two, I shall ask your revisal. In that the Sedition law will be presented under another view. Health and good wishes."

Jefferson also wrote to Edward Livingston:

WASHINGTON, Nov. 1. 1801.

DEAR SIR,—I some days ago received a letter from Messrs. Denniston & Cheetham of the most friendly kind, asking the general grounds on which the nolle prosequi in Duane's case ought to be presented to the public, which they proposed to do. You are sensible I must avoid committing myself in that channel of justification, and that were I to do it in this case I might be called on by other printers in other cases where it might be inexpedient to say anything. Yet to so civil an application I cannot reconcile myself to the incivility of giving no answer. I have thought therefore of laying your friendship under contribution and asking you to take the trouble of seeing them, and of saying to them, that the question being in the line of the law I had desired you to give them the explanation necessary. My text of explanation would be this. The

has contrived to put the money in such a situation that I find we could not lay our hands on it without giving room for specious criticisms. That would be a gratification to which he is not entitled. It will moreover strengthen the reasons for laying the whole subject before Congress that they may not only refund but indemnify the sufferers under the sedition act. To take from Callender particularly all room for complaint I think with you we had better refund his fine by private contributions. I inclose you an order on Gibson & Jefferson for 50. D. which I believe is one fourth of the whole sum.

There is considerable reason to apprehend that Spain cedes Louisiana and the Floridas to France. It is a policy very unwise in both, and very ominous to us. Accept assurances of my affectionate respect.

TO JAMES MONROE. J. MSS.

WASHINGTON, May 29, 1801.

DEAR SIR,—I am late in answering your favor of the 4th because the navy department from an extraordinary press of business, could not till within this

President is to have the laws executed. He may order an offence then to be prosecuted. If he sees a prosecution put into a train which is not lawful, he may order it to be discontinued and put into legal train. I found a prosecution going on against Duane for an offence against the Senate, founded on the sedition act. I affirm that act to be no law, because in opposition to the constitution; and I shall treat it as a nullity, wherever it comes in the way of my functions. I therefore directed that prosecution to be discontinued and a new one to be commenced, founded on whatever other law might be in evidence against the offence. This was done and the Grand Jury finding no other law against it, declined doing anything under the bill. There appears to be no weak part in any of these positions or inferences. There is however in the application to you to trouble yourself with the question. For this I owe apology, and build it on your goodness & friendship.

day or two furnish me the enclosed papers. You will see by them that the money for Gosport (12,000 D.) has been placed in Norfolk at Mr. Hopkins's command ever since the last week in January. Why it should have been withheld so long he will probably explain to you.

As to the mode of correspondence between the General and particular executives, I do not think myself a good judge. Not because my position gives me any prejudice on the occasion; for if it be possible to be certainly conscious of anything, I am conscious of feeling no difference between writing to the highest or lowest being on earth, but because I have ever thought that forms should yield to whatever should facilitate business. Comparing the two governments together it is observable that in all those cases where the independent or reserved rights of the states are in question, the two executives if they are to act together, must be exactly coordinate; they are, in those cases, each the supreme head of an independent government. Such is the case in the beginning of this letter where the two executives were to treat de pair en pair. In other cases, to wit, those transferred by the constitution to the general government, the general executive is certainly preordinate—e. g. in a question respecting the militia, and others easily to be recollected. Were there therefore to be a stiff adherence to etiquette, I should say that in the former cases the correspondence should be between the two heads, and that in the latter the governor must be subject to receive orders from the War Department as any

other subordinate officer would. And were it observed that either party set up unjustifiable pretentions, perhaps the other might be right in opposing them by a tenaciousness of his own rigorous right. But I think the practice in Genl. Washington's administration was most friendly to business and was absolutely equal. Sometimes he wrote to the governors, and sometimes the heads of departments wrote. If a letter is to be on a general subject, I see no reason why the President should not write: but if it is to go into details, these being known only to the head of the department, it is better he should write directly, otherwise the correspondence must involve circuities. If this be practised promiscuously in both classes of cases, each party setting examples of neglecting etiquette, both will stand on equal ground, and convenience alone will dictate through whom any particular communication is to be made. All the governors have freely corresponded with the heads of departments, except Hancock who refused it. But his legislature took advantage of a particular case which justified them in interfering, and they obliged him to correspond with the head of a department. Genl. Washington sometimes wrote to them. I presume Mr. Adams did, as you mention his having written to you. On the whole I think a free correspondence best and shall never hesitate to write myself to the governors, even in a federal case, where the occasion presents itself to me particularly.

Accept assurances of my sincere & constant affection & respect.

TO JAMES MONROE. J. MSS.

WASHINGTON May 29, 1801.

DEAR SIR,—Since mine of the 26th Callender is arrived here. He did not call on me; but understanding he was in distress I sent Captain Lewis to him with 50. D. to inform him we were making some inquiries as to his fine which would take a little time, and lest he should suffer in the meantime I had sent him &c. His language to Captain Lewis was very high-toned. He intimated that he was in possession of things which he could and would make use of in a certain case: that he received the 50. D. not as a charity but a due, in fact as hush money; that I knew what he expected, viz. a certain office, and more to this effect. Such a misconstruction of my charities puts an end to them forever. You will therefore be so good as to make no use of the order I enclosed you. He knows nothing of me which I am not willing to declare to the world myself. I knew him first as the author of the political progress of Britain, a work I had read with great satisfaction, and as a fugitive from persecution for this very work. I gave to him from time to time such aids as I could afford, merely as a man of genius suffering under persecution, and not as a writer in our politics. It is long since I wished he would cease writing on them, as doing more harm than good.

Your two letters of May 23 have come to hand. You would afterwards receive mine of the 22d as to the mode of correspondence. I still think the mode therein proposed would place it on the footing most

easy and advantageous to the public. We have great reason to fear that Spain is to cede Louisiana and the Floridas to France. Tripoli has probably commenced depredations on us. This is totally without cause. Algiers threatens and has a right, there being 3. years arrears of tribute due to her, while our Treasury has been overflowing with money. Accept my affectionate & respectful salutations.

TO WILSON CARY NICHOLAS. J. MSS.

WASHINGTON, June 11, 1801.

DEAR SIR,—A moment of leisure permits me to think of my friends. You will have seen an alarm in the newspapers on the subject of the Tripolitans and Algerines. The former about May a twelvemonth demanded a sum of money for *keeping* the peace, pretending that the sum paid as the price of the treaty was only for *making* peace. This demand was reiterated through the last year, but a promise made to Cathcart by the bey, that he would not permit any hostility until an answer should be actually received from the President. However, I think there is reason to apprehend he sent his cruisers out against us in March. Great notice had been given our vessels in the Mediterranean, so that they might have come off at leisure if they would. In March, finding we might with propriety call in our cruisers from the W. Indies, this was done; and as 2 were to be kept armed, it was thought best by Stoddert & Genl. Smith that we should send three with a tender into the Mediter-

ranean to protect our commerce against Tripoli. But as this might lead to war, I wished to have the approbation of the new administration. In the meantime the squadron was to be prepared and to rendezvous at Norfolk ready to receive our orders. It was the 15th of May before Mr. Gallatin's arrival enabled us to decide definitely. It was then decided unanimously; but it was not until the 25th of May that the Philadelphia reached the rendezvous. On the 1st of June they sailed. With respect to Algiers they are in extreme ill humour. We find 3. years arrears of tribute due to them. This you know has not proceeded from any want of the treasury. Our tribute to them is nominally 20,000 D. to be delivered in stores, but so stated that they cost us 80,000 D. A negotiation had been set on foot by our predecessors to commute the stores for 30,000 D. cash. It would be an excellent bargain, but we know nothing of the result. We have however sent them 30,000 D. by our frigates as one year's tribute, and have a vessel ready to sail with the stores for another year. Letters from the Mediterranean to the last of April give us no reason to think they will commit hostilities. The loose articles in the newspapers have probably arisen by confounding them with the Tripolitans. We have taken these steps towards supplying the deficiencies of our predecessors merely in obedience to the law; being convinced it is money thrown away, and that there is no end to the demand of these powers, nor any security in their promises. The real alternative before us is

whether to abandon the Mediterranean or to keep up a cruise in it, perhaps in rotation with other powers who would join us as soon as there is peace. But this Congress must decide. There are no news from Egypt to be relied on later than the 15th of March. We have discontinued the missions to the Hague, Lisbon and Berlin. Humphreys is recalled. Livingston awaits Dawson's return. F. A. Muhlenburg is dead: and fortunately as he was planning against McKean. From this state southwardly all are quiet, not a single wish is even expressed on the subject of removals. In Delaware & Jersey they are moderately importunate. In Pennsylvania there is a strong pressure on me, & some discontent. But in N. York a section of the republicans is furious on this subject. There are there 3. distinct sections of republicans. You know them without my venturing a specification of them through the post. I have the confidential sentiments of the most respectable persons of each. Two of these sections disapprove of removal but on a very small scale indeed. The other has opened a battery on us as you will see by the inclosed paper. You will be at no loss for the source of this. We shall yield a little to their pressure, but no more than appears absolutely necessary to keep them together. And if that would be as much as to disgust other parts of the union, we must prefer the greater to the lesser part. In Connecticut alone a general sweep seems to be called for on principles of justice and policy. Their legislature now sitting are removing every republican even from the commissions of the peace and the lowest offices. There then we

will retaliate. Whilst the Feds. are taking possession of all the state offices, exclusively, they ought not to expect we will leave them the exclusive possession of those at our disposal. The republicans have some rights: and must be protected. General Smith is well. I expect Langdon will now accept that office. Present my respects to Mrs. Nicholas and accept assurances of my affectionate esteem.

TO JOHN D. BURKE. J. MSS.

WASHINGTON, June 21, 1801.

DEAR SIR,—I have safely received your favor from Amelia, with the [*faded*] of the Columbiad which it covered, and have given to them the hasty perusal which my less agreeable but more indispensable occupations have permitted. Rarely indeed do they permit me one moment's reflection from the volumes of official papers which every day presents. The few moments I now spare to this object, I will say, were agreeably employed on your sheets with much satisfaction. To my own mortification however [*faded*] that of all men living I am the last who should undertake to decide as to the merits of poetry. In earlier life I was fond of it, and easily pleased. But as age and cares advanced the powers of fancy have declined. Every year seems to have plucked a feather from her wings till she can no longer waft one to those sublime heights to which it is necessary to accompany the poet. So much has my relish for poetry deserted me that at present I cannot read even Virgil with pleasure. I am consequently utterly incapable to decide

on the merits of poetry. The very feelings to which it is addressed are among those I have lost. So that the blind man might as well undertake to [*faded*] a painting or the deaf a musical composition.

On the subject of office my principles and those constantly asserted by the republicans, that no one should be removed for mere difference of political opinion, has given little to do in this way. It is moreover only the offices of the first grade which are at my disposal; those of the 2d being subordinated to them; [*faded*] the office of each grade being thus in the gift of the one next above. I will with pleasure mention you to the heads of departments: but not to do you an injury by nourishing expectations which might not be fulfilled, I am bound to observe that I know there has been a vast redundancy of applications, so that it is not likely that any vacancy exists. Indeed among the [*faded*] there are many supernumeraries who will be to be dismissed, or the numbers [*faded*] recruited till reduced to a mere sufficiency by ordinary accidents. Accept my respectful salutations & good wishes.

P.S. the sheets are herein returned.

TO THE ATTORNEY-GENERAL. J. MSS.

(LEVI LINCOLN.)

WASHINGTON, July 11, 1801.

DEAR SIR,—Your favor of the 15th came to hand on the 25th of June, and conveyed a great deal of that information which I am anxious to receive. The consolidation of our fellow citizens in general is the great object we ought to keep in view, and that being once obtained, while we associate with us in affairs, to a

certain degree, the federal sect of republicans, we must strip of all the means of influence the Essex junto, & their associate monocrats in every part of the Union. The former differ from us only in the shades of power to be given to the executive, being, with us, attached to republican government. The latter wish to sap the republic by fraud, if they cannot destroy it by force, & to erect an English monarchy in it's place; some of them (as Mr. Adams) thinking it's corrupt parts should be cleansed away, others (as Hamilton) thinking that it would make it an impracticable machine. We are proceeding gradually in the regeneracy of offices, and introducing republicans to some share in them. I do not know that it will be pushed further than was settled before you went away, except as to Essex men. I must ask you to make out a list of those in office in yours and in neighboring States, & to furnish me with it. There is little of this spirit south of the Hudson. I understand that Jackson is a very determined one, tho' in private life amiable & honorable. But amiable monarchists are not safe subjects of republican confidence. What will be the effect of his removal? How should it be timed? Who his successor? What place can Genl Lyman properly occupy? Our gradual reformations seem to produce good effects everywhere except in Connecticut. Their late session of legislature has been more intolerant than all others. We must meet them with equal intolerance. When they will give a share in the State offices, they shall be replaced in a share of the General offices. Till then we must follow their example. Mr. Goodrich's removal has produced a bitter *remonstrance*, with much personality against the two Bishops. I am sincerely sorry to see the inflexibility of the *federal* spirit there, for I cannot believe they are *all monarchists*. * * *

TO ELIAS SHIPMAN AND OTHERS, A COMMITTEE OF THE MERCHANTS OF NEW HAVEN.

J. MSS.

WASHINGTON, July 12, 1801.

GENTLEMEN,—I have received the remonstrance you were pleased to address to me, on the appointment of Samuel Bishop to the office of collector of New Haven, lately vacated by the

death of David Austin. The right of our fellow citizens to represent to the public functionaries their opinion on proceedings interesting to them, is unquestionably a constitutional right, often useful, sometimes necessary, and will always be respectfully acknoleged by me.

Of the various executive duties, no one excites more anxious concern than that of placing the interests of our fellow citizens in the hands of honest men, with understandings sufficient for their station. No duty, at the same time, is more difficult to fulfil. The knolege of characters possessed by a single individual is, of necessity, limited. To seek out the best through the whole Union, we must resort to other information, which, from the best of men, acting disinterestedly and with the purest motives, is sometimes incorrect. In the case of Samuel Bishop, however, the subject of your remonstrance, time was taken, information was sought, & such obtained as could leave no room for doubt of his fitness. From private sources it was learnt that his understanding was sound, his integrity pure, his character unstained. And the offices confided to him within his own State, are public evidences of the estimation in which he is held by the State in general, and the city & township particularly in which he lives. He is said to be the town clerk, a justice of the peace, mayor of the city of New Haven, an office held at the will of the legislature, chief judge of the court of common pleas for New Haven county, a court of high criminal and civil jurisdiction wherein most causes are decided without the right of appeal or review, and sole judge of the court of probates, wherein he singly decides all questions of wills, settlement of estates, testate and intestate, appoints guardians, settles their accounts, and in fact has under his jurisdiction and care all the property real and personal of persons dying. The two last offices, in the annual gift of the legislature, were given to him in May last. Is it possible that the man to whom the legislature of Connecticut has so recently committed trusts of such difficulty & magnitude, is 'unfit to be the collector of the district of NewHaven,' tho' acknoleged in the same writing, to have obtained all this confidence 'by a long life of usefulness?' It is objected, indeed, in the remonstrance, that he is 77. years of age; but at a much more advanced age, our

Franklin was the ornament of human nature.[1] He may not be able to perform in person, all the details of his office ; but if he gives us the benefit of his understanding, his integrity, his watchfulness, and takes care that all the details are well performed by himself or his necessary assistants, all public purposes will be answered. The remonstrance, indeed, does not allege that the office *has been* illy conducted, but only apprehends that it *will be* so. Should this happen in event, be assured I will do in it what shall be just and necessary for the public service. In the meantime, he should be tried without being prejudged.

The removal, as it is called, of Mr. Goodrich, forms another subject of complaint. Declarations by myself in favor of *political tolerance*, exhortations to *harmony* and affection in social intercourse, and to respect for the *equal rights* of the minority, have, on certain occasions, been quoted & misconstrued into assurances that the tenure of offices was to be undisturbed. But could candor apply such a construction? It is not indeed in the remonstrance that we find it ; but it leads to the explanations which that calls for. When it is considered, that during the late administration, those who were not of a particular sect of politics were excluded from all office ; when, by a steady pursuit of this measure, nearly the whole offices of the U S were monopolized by that sect ; when the public sentiment at length declared itself, and burst open the doors of honor and confidence to those whose opinions they more approved, was it to be imagined that this monopoly of office was still to be continued in the hands of the minority? Does it violate their *equal rights*, to assert some rights in the majority also? Is it *political intolerance* to claim a proportionate share in the direction of the public affairs? Can they not *harmonize* in society unless they have everything in their own hands? If the will of the nation, manifested by their various elections, calls for an administration of government according with the opinions of those elected ; if, for the fulfilment of that will, displacements are necessary, with whom can they so justly

[1] Here the following passage is struck out :
["at 84. That he is unacquainted with the system of our revenue laws ; but few, before their appointment to an office, make themselves acquainted with the laws which relate to it."]

begin as with persons appointed in the last moments of an administration, not for its own aid, but to begin a career at the same time with their successors, by whom they had never been approved, and who could scarcely expect from them a cordial cooperation? Mr. Goodrich was one of these. Was it proper for him to place himself in office, without knowing whether those whose agent he was to be would have confidence in his agency? Can the preference of another, as the successor to Mr. Austin, be candidly called a removal of Mr. Goodrich? If a due participation of office is a matter of right, how are vacancies to be obtained? Those by death are few; by resignation, none. Can any other mode than that of removal be proposed? This is a painful office; but it is made my duty, and I meet it as such. I proceed in the operation with deliberation & inquiry, that it may injure the best men least, and effect the purposes of justice & public utility with the least private distress; that it may be thrown, as much as possible, on delinquency, on oppression, on intolerance, on incompetence, on ante-revolutionary adherence to our enemies.

The remonstrance laments "that a change in the administration must produce a change in the subordinate officers;" in other words, that it should be deemed necessary for all officers to think with their principal. But on whom does this imputation bear? On those who have excluded from office every shade of opinion which was not theirs? Or on those who have been so excluded? I lament sincerely that unessential differences of political opinion should ever have been deemed sufficient to interdict half the society from the rights and the blessings of self-government, to proscribe them as characters unworthy of every trust. It would have been to me a circumstance of great relief, had I found a moderate participation of office in the hands of the majority. I would gladly have left to time and accident to raise them to their just share. But their total exclusion calls for prompter correctives. I shall correct the procedure; but that done, disdain to follow it, shall return with joy to that state of things, when the only questions concerning a candidate shall be, is he honest? Is he capable? Is he faithful to the Constitution?

I tender you the homage of my high respect.

TO THE GOVERNOR OF THE MISSISSIPPI TERRITORY. J. MSS.

(WILLIAM C. CLAIBORNE.)

WASHINGTON, July 13, 1801.

DEAR SIR,—You will receive from the Secretary of State a commission as governor of the Mississippi territory, an office which I consider of primary importance, in as much as that country is the principal point of contact between Spain and us, & also as it is the embryo of a very great state. Independent of the official communications, which the Secretary of State will make to you from time to time, I cannot deny myself a few words, private & confidential, the object of which will be to contribute to the shaping your course to the greatest benefit, of the people you are to govern, and of the U. S. and to your own best satisfaction. With respect to Spain our dispositions are sincerely amiable and even affectionate. We consider her possession of the adjacent country as most favorable to our interests, & should see, with extreme pain any other nation substituted for them. In all communications therefore with their officers, conciliation and mutual accommodation are to be mainly attended to. Everything irritating to be avoided, everything friendly to be done for them. The most fruitful source of misunderstanding will be the conduct of their and our people at New Orleans. Temper and justice will be the best guides through those intricacies. Should France get possession of that country, it will be more to be lamented than remedied by us, as it will furnish ground for profound consideration on our part, how best to conduct ourselves in that case. It would of course be the subject of fresh communications to you.

As to the people you are to govern, we are apprised that they are divided into two adverse parties, the one composed of the richer and better informed attached to the 1st grade of government, the other of the body of the people not a very homogeneous mass, advocates for the 2d grade which they possess in fact. Our love of freedom and the value we set on self-government disposes us to prefer the principles of the 2d grade, and they are strengthened by knowing they are [*faded*] by the will of the majority. While cooperation with that plan therefore is essentially to be observed, your best endeavors should be exerted to

bring over those opposed to it by every means soothing and conciliatory. The happiness of society depends so much on preventing party spirit from infecting the common intercourse of life, that nothing should be spared to harmonize and amalgamate the two parties in social circles. The great objection of the advocates for the 1st grade is the expense of the 2d. Everything should be done therefore to lessen that expense, and the legislative body the most expensive part of all our governments, should recommend themselves by making their particular expenses as light as possible. I shall consider it as the happiest proof that in our nomination I have done what was best for that state, if I should find that you shall have been able to reconcile parties to yourself and to one another. The only objection to you which has been strongly pressed, covers the allegation that you had taken your side too strongly with the one party to be able to become agreeable or just to the other. Had this been my opinion of you, the nomination would not have been made.

We have appointed Mr. Daniel Clarke at New Orleans our consul there. His worth and influence will aid you powerfully in the interfering interests of those who go, and who reside there. I take the liberty of recommending to your particular civilities & respect Mr. William Dunbar a person of great worth & wealth there, and one of the most distinguished citizens of the U. S. in point of science. He is a correspondent of mine in that line in whom I set great store. As a native of Britain he must have a predilection towards her ; but as to every other nation he is purely American. I should think it fortunate could he be added to the friends of the 2d grade. I have hastily put together these few thoughts that you may understand our view and know what line of conduct on your part will be agreeable, I again repeat that they are meant to be private and confidential to yourself alone. I shall be glad to hear from you inofficially, when convenient, your official correspondence belonging to the Secretary of State. Accept assurances of my friendly esteem and great respect.

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

July 15, 1801.

Whether prizes and the proceeds of them taken after the date of the treaty with France can be restored by the Executive, or need an act of the legislature?

The constitution has authorized the ordinary legislature alone to declare war against any foreign nation. If they may enact a perfect, they may a qualified war, as was done against France. In this state of things they may modify the acts of war, and appropriate the proceeds of it. The act authorizing the capture of French armed vessels and dividing and appropriating their proceeds, was of this kind.

The constitution has given to the President and Senate alone the power (with the consent of the foreign nation) of enacting peace. Their treaty for this purpose is an absolute repeal of the declaration of war, and of all laws authorizing or modifying war measures. The treaty with France had this effect. From the moment it was signed all the acts legalizing war measures ceased ipso facto; and all subsequent captures became unlawful. Property wrongfully taken from a friend on the high sea is not thereby transferred to the captor. In whatever hands it is found it remains the property of those from whom it was taken; and any person possessed of it private or public, has a right to restore it. If it comes to the hands of the executive they may restore it. If into those of the legislature (as by formal paiment into the Treasury) they may restore it. Whoever, private or public, undertakes to restore it, takes on themselves the risk of proving that the goods were taken without authority of law, and consequently that the captor had no right to them. The executive, charged with our exterior relations, seems bound, if satisfied of the fact, to do right to the foreign nation, and take on itself the risque of justification. Submitted to Mr. Madison's consideration.

TO PIERPONT EDWARDS.[1] J. MSS

WASHINGTON July 21, 1801.

DEAR SIR,—I received in due time your friendly favor of June 18th and profited of the information it contained, as you will have seen by a certain paper inclosed from this place. I was glad the remonstrants of your state took the measure they did. Their attack was on that class of removals which every reasonable man of whatsoever party has approved; I mean those which were made by a preceding administration in their last moments, & with a view either to force their successors to work with thwarting cooperation, or to incur odium by removing them. An opportunity was also wanting to come forward and disavow the sophistical construction on what I had declared on the 4th of March, to declare the justice of some participation by the republicans in the management of public affairs, and the principles on which vacancies would be created. I verily believe there will be a general approbation of what has been avowed in answer to the remonstrance, and that we may now proceed in our duty with a firmer step. I certainly feel more confident since an opportunity has been furnished me of explaining my proceedings. I consider Rho. isl'd, Vermont, Massachusetts, & N. Hampshire as coming in the course of this year. In Congress R. I. is entirely republican, Vermont will probably be three fourths, Massachusetts a majority: N. H. coming fast up: but the nature of your government being a subordination of the civil to the

[1] From the original in the possession of Mr. F. J. Dreer, of Philadelphia.

ecclesiastical power, I consider it as desperate for long years to come. Their steady habits exclude the advances of information & they seem exactly where they were when they separated from the Saints of Oliver Cromwell. And there your clergy will always keep them if they can. You will follow the bark of liberty only by the help of a tow-rope. You will greatly oblige me by continuing your information as to the effects on them produced & to be produced by our measures, and I pray you to be assured of my friendly & high consideration & respect.

TO JOHN DICKINSON. J. MSS.

WASHINGTON, July 23, 1801.

MY DEAR & RESPECTED FRIEND,—I have duly received your favor of the 18th. Doctr Vaughan's character had been before known to me in a certain degree, and advantageously known as a friend to republican government. Your letter in his favor strengthened my confidence in it. For your satisfaction as well as from a regard to truth I assure you that nothing could be more candid than his conduct here. It was at *my request* he undertook to consult the friends of republicanism on his return & to recommend a marshall. He declined doing it here & of himself, and until he should know that the person would accept. I am sorry the person recommended has not been agreeable to all the republicans, but I am more concerned to see in this disapprobation a germ of division which, if not smothered, will continue you

under that rule from which union is relieving our fellow citizens in other states. It is disheartening to see, on the approaching crisis of election, a division of that description of Republicans, which has certainly no strength to spare. But, my dear friend, if we do not learn to sacrifice small differences of opinion, we can never act together. Every man cannot have his way in all things. If his own opinion prevails at some times, he should acquiesce on seeing that of others preponderate at others. Without this mutual disposition we are disjointed individuals, but not a society. My position is painful enough between federalists who cry out on the first touch of their monopoly, and republicans who clamor for universal removal. A subdivision of the latter will increase the perplexity. I am proceeding with deliberation and inquiry to do what I think just to both descriptions and conciliatory to both. The greatest good we can do our country is to heal it's party divisions & make them one people. I do not speak of their leaders who are incurable, but of the honest and well-intentioned body of the people. I consider the pure federalist as a republican who would prefer a somewhat stronger executive; and the republican as one more willing to trust the legislature as a broader representation of the people, and a safer deposit of power for many reasons. But both sects are republican, entitled to the confidence of their fellow citizens. Not so their quondam leaders, covering under the mask of federalism hearts devoted to monarchy. The Hamiltonians, the Essex-men, the revolutionary

tories &c. They have a right to tolerance, but neither to confidence nor power. It is very important that the pure federalist and republican should see in the opinion of each other but a shade of his own, which by a union of action will be lessened by one-half: that they should see & fear the monarchist as their common enemy, on whom they should keep their eyes, but keep off their hands. But in Delaware it seems we have a preliminary operation to reconcile dissenting republicans. For how can federalists coalesce with those who will not coalesce with each other. I know too well, my friend, your moderation, your justice, your affection to rational liberty, to doubt your best endeavours to heal this two-fold operation. The purity and perspicuity of your views are respected by all parties. I hope much then from their effect, & that operating on the good sense and patriotism of the friends of free government of every shade, they will spare us the painful, the deplorable spectacle of brethren sacrificing to small passions the great, the immortal and immutable rights of men. May heaven prosper you in your endeavours, & long preserve in health & life a consistent patriot, whose principles have stood unchanged by prosperous and adverse times, whom neither the "civium ardor prava jubentium, Nec vultus instante tyranni monte quatit solida."

I tender you the homage of my constant & affectionate friendship & respect.

TO THOMAS McKEAN. J. MSS.

WASHINGTON, July 24, 1801.

DEAR SIR,—Your favor of the 21st is duly received. It is on a subject the most difficult of all we have to act on. My idea is that the mass of our countrymen, even of those who call themselves Federalists, are republicans. They differ from us but in a shade of more or less power to be given to the Executive or Legislative organ. They were decoyed into the net of monarchists by the X. Y. Z. contrivance, but they are come or are coming back. So much moderation in our proceedings as not to revolt them while doubting or newly joined with us and they will coalesce and grow to us as one flesh. But any violence against their quondam leaders before they are thoroughly weaned from them, would carry them back again. Some states require a different regimen from others. What is done in one state very often shocks another, though where it is done it is wholesome. South of the Potomac not a single removal has been asked. On the contrary they are urgent that none shall be made. Accordingly only one has been made, which was for malversation. They censure much the removals north of this. You see, therefore, what various tempers we have to harmonize. Yet to restore that harmony which our predecessors so wickedly made it their object to break up, to render us again one people, acting as one nation, should be the object of every man really a patriot. I am satisfied it can be done, and I own that the day which should convice me of the contrary

would be the bitterest of my life. By the time you receive this you will probably see in the public papers my answer to the Newhaven remonstrance. I gladly availed myself of the opportunity it furnished of correcting the *misconstructions* of what I said on the 4th of July [*sic*], and of explaining the course I am pursuing. I hope the ardent republicans will acquiesce in it. It will furnish new texts for the monarchists. But from them I ask nothing, I wish nothing but their eternal hatred. If that evidence of my conduct were to cease, I should become suspicious to myself. But between the Monarchist and the Federalist I draw a clear line. The latter is a sect of republicanism, the former it's implacable enemy. I am persuaded that you will approve of the course of proceedings explained in my answer to Newhaven, and that our friends in general, seeing what our plan is, will be satisfied with it's expediency. But there is a rock ahead, far more dangerous than that of monarchism. It is the discord showing itself among the republicans. In no place is it so threatening as in Delaware. The republicans there are fallen into open schism, & that at the approach of an all important election wherein their whole force united is not certainly known to be sufficient. You, my dear sir, can be instrumental to their reconciliation, you will save the republican cause in that state, which otherwise is lost. Some threatening symptoms show themselves in Pennsylvania also. I hope that mutual sacrifice will produce accommodations. I am much gratified by receiving your letter. Anxious as I am to harmonize my fellow citizens (do

not suppose I mean the Hamiltonians, Essex-men, &c. incurable monocrats) I am rejoiced to receive information from every quarter, to know the opinion of every one. Your station enables you to take a broad view, and your communications therefore are always of the first value. Accept assurances of my friendly esteem and high consideration.

P. S. I leave this the 30th instant to be absent during the months of August & Sep. which I am afraid to pass on the tidewaters. I hope the circumstances on which your visit to this place depends will admit of its being postponed till our return, as it would give me the greatest pleasure to receive you here.

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

MONTICELLO, Aug. 12, 1801.

DEAR SIR,—Doctr. Rose delivered me last night the letter with which you charged him, and I have thought it better to attend to it's contents at once before the arrival of the load of other business which this morning's post will bring. Pinckney's, Orr's, Livermore's, Howell's, Webster's, Murray's, Otis's, Graham's & Thornton's letters, with Wagner's sketch of an answer to the latter are all returned herewith. Reed's papers being voluminous have not been read. I thought a commission as District attorney had been forwarded to Howell: if so, his letter is not intelligible to me, where he says he is ready prepared to quit his office when a more deserving person shall be thought of. That he would have preferred himself to Barnes as judge is evident enough. Tho' I view Webster as a mere pedagogue, of very limited understanding and very strong prejudices and party passions, yet as editor of a paper and as of the Newhaven association, he may be worth

striking. His letter leaves two very fair points whereon to answer him. 1. the justice of making vacancies in order to introduce a participation of office. 2. That admitted, the propriety of preventing men indecently appointed & not yet warm in the seat of office from continuing, rather than to remove those fairly appointed and long in possession. As to Goodrich and Bishop it would be like talking to the deaf to say anything to a man as immovably biassed as he is. Thornton's letter is the same I have seen before I left Washington. When we consider that our minister has to wait months & years for an answer to the most trifling or most urgent application to his government, there would be no indecency to decline answering so crude an application as this respecting the prize, which he does not know if it be prize or not, brought into Boston *as the newspapers say*. I think it better to avoid determining, with foreign ministers, hypothetical cases. They may by stating possible cases, so employ us as to leave no time for those which are actual. The actual furnish occupation enough for our whole time. Perhaps the case of giving or refusing asylum for prizes may never arise. Yet if we predetermine it, we shall be led into all the altercation & discussion which would be necessary were we obliged to decide it. I think therefore the answer to Thornton might be that his letter being hypothetical presents two questions, calling for very different considerations, both of which it cannot now be necessary to determine. That both are founded on newspaper information only, which is too uncertain ground for the government to act on: and that so soon as certain information shall be received that any such case has happened and what the exact nature of the case is, we will do on it what shall be right. I have been reading Schlegel's pamphlet with great attention. It contains a great deal of sound information. He does not however prove that in cases uncontroulled by treaty, the nations of Europe (or a single one of them in a single case) have practised on the principle, as a principle of natural law, that free bottoms make free goods. His own facts shew that the principle practised on in the earliest times was that an enemy's goods in a friend's bottom are lawful prize: that on an attempt by the Dutch to introduce the other principle, it was overborne by Lewis XIV & by England,

and the old principle adhered to. Still it does not follow but that a sound principle may have been smothered by powerful states acting on a temporary interest, and that we have always a right to correct ancient errors, & to establish what is more conformable to reason & convenience. This is the ground we must take.

I shall rejoice to see Mrs. Madison, yourself & the class heroine here. Observe that the governor is at Richmond every other Saturday. He goes down this day & will be back on Tuesday. Accept assurances of my affectionate friendship.

TO PIERCE BUTLER. J. MSS.

MONTICELLO, Aug. 26, 1801.

DEAR SIR,—Your favor of the 14th came to hand on the 20th. I thank you for the information it contained. It is of that kind which I am anxious to receive. After so long and complete an exclusion from office as republicans have suffered in so much that every place is filled with their opponents justice as well as principle requires that they should have some participation. I believe they will be contented with less than their just share for the sake of peace & conciliation. This latter motive has weighed powerfully with me to do as little in the way of removal as circumstances will admit: for after the bloody severance of the nation into two parts which our predecessors affected, the first duty of every patriot is to reunite and heal the severed parts. Exclusive possession [*faded*] one party; removal the other. Yet both must be brought together. The [*faded*] of the Southern republicans has been really magnanimous. In Maryland little has been asked, in Virginia N.

Cara, Georgia, not one. As to S. Carol I do not think we are yet well enough informed to do anything, but I am extremely happy to find you disapprove of much removal. You say "there are perhaps two or three at most, who, it appears to you should be removed, that the citizens in particular whose continuance in office will disgust every republican in the state." May I ask of you who is the *one*, who are the two or three? I do it under the seal of confidence & with no earthly wish than to use it for the best purpose of the common cause. Our views are to do little more in the way of removal. We shall get through it in the course of the year. After which the measures we shall pursue & propose will I hope have the effect of forming into one body all except the monarchical federalists who are incurable & hopeless. Accept assurances of my friendly attachment & high respect.

TO THE ATTORNEY-GENERAL. J. MSS.

(LEVI LINCOLN.)

MONTICELLO, Aug. 26, 1801.

DEAR SIR,— * * * I am glad to learn from you that the answer to NewHaven had a good effect in Massachusetts on the republicans, & no ill effects on the sincere federalists. I had foreseen, years ago, that the first republican President who should come into office after all the places in the government had become exclusively occupied by federalists, would have a dreadful operation to perform. That the republicans would consent to a continuation of everything in federal hands, was not to be expected, because neither just nor politic. On him, then, was to devolve the office of an executioner, that of lopping off. I cannot say that it has worked harder than I expected. You know the mod-

eration of our views in this business, and that we all concurred in them. We determined to proceed with deliberation. This produced impatience in the republicans, and a belief we meant to do nothing. Some occasion of public explanation was eagerly desired, when the NewHaven remonstrance offered us that occasion. The answer was meant as an explanation to our friends. It has had on them, everywhere, the most wholesome effect. Appearances of schismatizing from us have been entirely done away. I own I expected it would check the current with which the republican federalists were returning to their brethren, the republicans. I extremely lamented this effect; for the moment which should convince me that a healing of the nation into one is impracticable, would be the last moment of my wishing to remain where I am. (Of the monarchical federalists I have no expectations. They are incurables, to be taken care of in a mad house, if necessary, & on motives of charity.) I am much pleased, therefore, with your information that the republican federalists are still coming in to the desired union. The Eastern newspapers had given me a different impression, because I supposed the printers knew the taste of their customers, and cooked their dishes to their palates. The Palladium is understood to be the *clerical* paper, & from the clergy I expect no mercy. They crucified their Saviour, who preached that their kingdom was not of this world; and all who practise on that precept must expect the extreme of their wrath. The laws of the present day withhold their hands from blood; but lies and slander still remain to them.

I am satisfied that the heaping of abuse on me, personally, has been with the design & hope of provoking me to make a general sweep of all federalists out of office. But as I have carried no passion into the execution of this disagreeable duty, I shall suffer none to be excited. The clamor which has been raised will not provoke me to remove one more, nor deter me from removing one less, than if not a word had been said on the subject. In Massachusetts, you may be assured, great moderation will be used. Indeed, Connecticut, New York, New Jersey, Pennsylvania & Delaware, are the only States where anything considerable is desired. In the course of the summer all which is necessary will

be done; and we may hope that this cause of offence being at an end, the measures we shall pursue & propose for the amelioration of the public affairs will be so confessedly salutary as to unite all men not monarchists in principle.

We have considerable hopes of republican senators from S. Carolina, Maryland & Delaware, & some as to Vermont. In any event, we are secure of a majority in the Senate; and consequently that there will be a concert of action between the Legislature & executive. The removal of excrescences from the judiciary is the universal demand. We propose to re-assemble at Washington on the last day of September. Accept assurances of my affectionate esteem & high respect.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

MONTICELLO, August 28, 1801.

DEAR SIR,—Your favors of the 18th and 24th came by yesterday's post. I am sorry Mr. Clay declines the consulship; it would have been very pleasing to us to replace our minister at Lisbon by such a consul as Clay. Perhaps reconsideration and inquiry into the advantages of the situation may reconcile it to him. I have not here my bundle of claims for office, and therefore cannot propose a successor for Colonel White in Jersey. Your acquaintance in the State will better enable you to do it. I have written to three gentlemen of great discretion, one at Norfolk, the others near Hampton, on the subject of Chisman. I have an answer from the one at Norfolk, who has never heard of him. I shall hear from the others before the next post. I have known Mr. Page from the time we were boys and classmates together and love him as a brother, but I have always known him the worst judge of man existing. He has fallen a sacrifice to the ease with which he gives his confidence to those who deserve it not. Still, if we hear nothing against Chisman, we may venture to do what may be agreeable to Mr. Page. I am very anxious to do something useful for him; and so universally is he esteemed in this country, that no man's promotion would

be more generally approved. He has not an enemy in the world. But we have but one officer here whom the *general* voice, Whig and Tory, marks for removal; and I am not well enough acquainted with its duties to be certain that they are adapted to Mr. Page's talent. The explanation you give of the nature of the office proposed for Jonas Clarke silences my doubts, and I agree to the appointment. I think we should do justice to Campbell and Gardner, and cannot suppose the Auditor will think hard of replacing them in their former berths. He has seen us restore officers where we thought their removal unjust, and cannot therefore view it in this case as meant to censure himself specially. Specific restitution is the particular measure of justice which the case calls for.

The doctrine as to the admission of prizes, maintained by the government from the commencement of the war between England, France, &c., to this day, has been this: the treaties give a right to armed vessels, *with their prizes*, to go where they please (consequently into our ports), and that these prizes shall not be detained, seized, nor adjudicted; but that the armed vessel may depart as *speedily as may be, with her prize*, to the place of her commission; and we are not to suffer their enemies to sell in our ports the prizes taken by their privateers. Before the British treaty, no stipulation stood in the way of permitting France to sell her prizes here; and we did permit it, but expressly as a favor, not as a right. See letter of August 16, 1793, to Gouverneur Morris, § 4, and other letters in that correspondence, which I cannot now turn to. These stipulations admit the prizes to put into our ports in cases of necessity, or perhaps of convenience, but no right to remain if disagreeable to us; and absolutely not to be sold. We have accordingly lately ordered away a British vessel brought in by a Spanish armed ship, and I have given it as my opinion to Mr. Madison that the British snow Windsor, lately brought in by the Prisoners she was carrying, ought to be sent away. My opinion is, that whatever we are free to do we ought to do to throw difficulties in the way of the depredations committed on commerce, and chiefly our own commerce. In the case of the Spanish privateer at Wilmington North Carolina, who wants to sell as much of his prize as will

refit the privateer, it is absolutely forbidden. The directions you have already given as to the prize herself concide perfectly with what I think right. No pardon has come to me from Mr. Wagner for Hopkins. I consent to the transfer you propose of the superintendent of the light-houses of Portsmouth and New York to the present collectors of those ports, and to the appointment of the collector for Savannah recommended by General Jackson, if you learn nothing to the contrary from the delegates. Accept assurance of my affectionate esteem and high respect.

TO THE U. S. MINISTER TO FRANCE. J. MSS.

(ROBERT R. LIVINGSTON.)

MONTICELLO, Aug. 28, 1801.

DEAR SIR,—Your favor of the 10th instant came to hand yesterday, & I receive it with the respect & attention with which I do everything coming from you. Nothing can be done on the subject of it till after my return to Washington, which will probably be after your departure for France. Whatever may be determined by the gentlemen of the administration on the subject of Mr. Davis, other candidates have been brought forward on grounds so respectable that the prospects of any new candidate cannot but be very doubtful. On this view of the subject I could not undertake to recommend the change in the destination of Mr. Edward P. Livingston in his intended journey with you.

We are in hourly expectation of receiving information that the treaty with France is ratified. The only letter from Dawson supposes it unquestionable and that it will be without delay. I am afraid that government may have ideas of sending either La Forest or Otto here. I believe them both unprincipled men, and entirely anti-revolutionary, & so much in sympathy with the monarchical federalists here, that I should expect nothing less than their betraying to them every transaction which should pass with the Executive. Under this impression we could never say a word to either which we should not be willing to publish at once. Whether our suspicions are just or not, their office would [subvert (?)] whatever should depend on confidential communications.

Should no appointment be made before your arrival at Paris, it would be important that that government should be apprised in some delicate way that however confidential these men might be with the opposition, they cannot be so with any administration here which shall be republican. I shall trouble you with another letter before your departure. Health & happiness.

TO THE U. S. MINISTER TO FRANCE. J. MSS.

(ROBERT R. LIVINGSTON.)

MONTICELLO, Sep. 9, 1801.

DEAR SIR,—You will receive, probably by this post, from the Secretary of State, his final instructions for your mission to France. We have not thought it necessary to say anything in them on the great question of the maritime law of nations, which at present agitates Europe; that is to say, whether free ships shall make free goods; because we do not mean to take any side in it during the war. But, as I had before communicated to you some loose thoughts on that subject, and have since considered it with somewhat more attention, I have thought it might not be unuseful that you should possess my ideas in a more matured form than that in which they were before given. Unforeseen circumstances may perhaps oblige you to hazard an opinion, on some occasion or other, on this subject, and it is better that it should not be at variance with ours. I write this, too, myself, that it may not be considered as official, but merely my individual opinion, unadvised by those official counsellors whose opinions I deem my safest guide, & should unquestionably take in form, were circumstances to call for a solemn decision of the question.

When Europe assumed the general form in which it is occupied by the nations now composing it, and turned its attention to maritime commerce, we found among its earliest practices, that of taking the goods of an enemy from the ship of a friend; and that into this practice every maritime State went sooner or later, as it appeared on the theatre of the ocean. If, therefore, we are to consider the practice of nations as the sole & suffi-

cient evidence of the law of nature among nations, we should unquestionably place this principle among those of natural laws. But it's inconveniences, as they affected neutral nations peaceably pursuing their commerce, and it's tendency to embroil them with the powers happening to be at war, and thus to extend the flames of war, induced nations to introduce by special compacts, from time to time, a more convenient rule ; that "free ships should make free goods ;" and this latter principle has by every maritime nation of Europe been established, to a greater or less degree, in it's treaties with other nations ; insomuch, that all of them have, more or less frequently, assented to it, as a rule of action in particular cases. Indeed, it is now urged, and I think with great appearance of reason, that this is genuine principle dictated by national morality ; & that the first practice arose from accident, and the particular convenience of the States[1] which first figured on the water, rather than from well-digested reflections on the relations of friend and enemy, on the rights of territorial jurisdiction, & on the dictates of moral law applied to these. Thus it had never been supposed lawful, in the territory of a friend to seize the goods of an enemy. On an element which nature has not subjected to the jurisdiction of any particular nation, but has made common to all for the purposes to which it is fitted, it would seem that the particular portion of it which happens to be occupied by the vessel of any nation, in the course of it's voyage, is for the moment, the exclusive property of that, and nation, with the vessel, is exempt from intrusion by any other, & from it's jurisdiction, as much as if it were lying in the harbor of it's sovereign. In no country, we believe, is the rule otherwise, as to the subjects of property common to all, Thus the place occupied by an individual in a highway, a church, a theatre, or other public assembly, cannot be intruded on, while it's occupant holds it for the purposes of it's institution. The persons on board a vessel traversing the ocean, carry with them the laws of their nation, have among themselves a jurisdiction, a police, not established by their individual will, but by the authority of their nation, of whose territory their vessel

[1] Venice and Genoa (*in margin*).

still seems to compose a part, so long as it does not enter the exclusive territory of another. No nation ever pretended a right to govern by their laws the ship of another nation navigating the ocean. By what law then can it enter that ship while in peaceable & orderly use of the common element? We recognize no natural precept for submission to such a right; & perceive no distinction between the movable & immovable jurisdiction of a friend, which would authorize the entering the one & not the other, to seize the property of an enemy.

It may be objected that this proves too much, as it proves you cannot enter the ship of a friend to search for contraband of war. But this is not proving too much. We believe the practice of seizing what is called contraband of war, is an abusive practice, not founded in natural right. War between two nations cannot diminish the rights of the rest of the world remaining at peace. The doctrine that the rights of nations remaining quietly under the exercise of moral & social duties, are to give way to the convenience of those who prefer plundering & murdering one another, is a monstrous doctrine; and ought to yield to the more rational law, that "the wrongs which two nations endeavor to inflict on each other, must not infringe on the rights or conveniences of those remaining at peace." And what is *contraband*, by the law of nature? Either everything which may aid or comfort an enemy, or nothing. Either all commerce which would accommodate him is unlawful, or none is. The difference between articles of one or another description, is a difference in degree only. No line between them can be drawn. Either all intercourse must cease between neutrals & belligerents, or all be permitted. Can the world hesitate to say which shall be the rule? Shall two nations turning tigers, break up in one instant the peaceable relations of the whole world? Reason & nature clearly pronounce that the neutral is to go on in the enjoyment of all it's rights, that it's commerce remains free, not subject to the jurisdiction of another, nor consequently it's vessels to search, or to enquiries whether their contents are the property of an enemy, or are of those which have been called contraband of war.

Nor does this doctrine contravene the right of preventing vessels from entering a blockaded port. This right stands on other

ground. When the fleet of any nation actually beleaguers the port of its enemy, no other has a right to enter their line, any more than their line of battle in the open sea, or their lines of circumvallation, or of encampment, or of battle array on land. The space included within their lines in any of those cases, is either the property of their enemy, or it is common property assumed and possessed for the moment, which cannot be intruded on, even by a neutral, without committing the very trespass we are now considering, that of intruding into the lawful possession of a friend.

Although I consider the observance of these principles as of great importance to the interests of peaceable nations, among whom I hope the U S will ever place themselves, yet in the present state of things they are not worth a war. Nor do I believe war the most certain means of enforcing them. Those peaceable coercions which are in the power of every nation, if undertaken in concert & in time of peace, are more likely to produce the desired effect.

The opinions I have here given are those which have generally been sanctioned by our government. In our treaties with France, the United Netherlands, Sweden & Prussia, the principle of free bottom, free goods, was uniformly maintained. In the instructions of 1784, given by Congress to their ministers appointed to treat with the nations of Europe generally, the same principle, and the doing away contraband of war, were enjoined, and were acceded to in the treaty signed with Portugal. In the late treaty with England, indeed, that power perseveringly refused the principle of free bottoms, free goods; and it was avoided in the late treaty with Prussia, at the instance of our then administration, lest it should seem to take side in a question then threatening decision by the sword. At the commencement of the war between France & England, the representative of the French republic then residing in the U S, complaining that the British armed ships captured French property in American bottoms, insisted that the principle of "free bottoms, free goods," was of the acknowledged law of nations; that the violation of that principle by the British was a wrong committed on us, and such an one as we ought to repel by joining in a war against that country. We denied his position, and appealed to the universal

practice of Europe, in proof that the principle of "free bottoms, free goods," was not acknowledged as of the natural law of nations, but only of it's conventional law. And I believe we may safely affirm, that not a single instance can be produced where any nation of Europe, acting professedly under the law of nations alone, unrestrained by treaty, has, either by it's executive or judiciary organs, decided on the principle of "free bottoms, free goods." Judging of the law of nations by what has been *practised* among nations, we were authorized to say that the contrary principle was their rule, and this but an exception to it, introduced by special treaties in special cases only; that having no treaty with England substituting this instead of the ordinary rule, we had neither the right nor the disposition to go to war for it's establishment. But though we would not then, nor will we now, engage in war to establish this principle, we are nevertheless sincerely friendly to it. We think that the nations of Europe have originally set out in error; that experience has proved the error oppressive to the rights and interests of the peaceable part of mankind; that every nation but one has acknoleged this, by consenting to the change, & that one has consented in particular cases; that nations have a right to correct an erroneous principle, & to establish that which is right as their rule of action; and if they should adopt measures for effecting this in a peaceable way, we shall wish them success, and not stand in their way to it. But should it become, at any time, expedient for us to co-operate in the establishment of this principle, the opinion of the executive, on the advice of it's constitutional counsellors, must then be given; & that of the legislature, an independent & essential organ in the operation, must also be expressed; in forming which, they will be governed, every man by his own judgment, and may, very possibly, judge differently from the executive. With the same honest views, the most honest men often form different conclusions. As far, however, as we can judge, the principle of "free bottoms, free goods," is that which would carry the wishes of our nation.

Wishing you smooth seas and prosperous gales, with the enjoyment of good health, I tender you the assurances of my constant friendship & high consideration and respect.

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

MONTICELLO, Sept. 12, 1801.

DEAR SIR,—Yours of yesterday was delivered by your express about five o'clock in the evening. My occupations for the departing post have prevented my answering instantly.

No commission nor letter of credence was signed for Mr. Livingston before we left Washington. I think the Boston has not yet left Boston for New York. I presume therefore that we can sign those papers in time after our return to Washington. I suspect on view of Murray's letters that the real obstacle to the ratification is nothing more than a desire to obtain an express renunciation of the demand of indemnities. If this be the case it will probably be ratified on that condition. On the established principle that everything is abandoned which is not provided for in a treaty of peace, the express abandonment would not be necessary if the 2d article is expunged. Suppose we were to instruct Livingston in case he finds on arrival in Paris that the ratification is withheld, that he propose the single article for the restitution of prizes, and say to them that with every disposition towards them of perfect friendliness and free commerce we are willing to trust, without a treaty to the mutual interests of the two countries for dictating the terms of our commercial relations, not doubting that each will give the best terms in practice to the other, that on the expiration of the British treaty we shall probably do the same with that nation and so with others. Unless indeed events should render it practicable to sign a short formula merely explanatory or amendatory of the L. of Nations in a few special articles. The being in freedom to refuse entrance in time of war to armed ships, or prizes, to refuse or send off ministers and consuls in time of war, is a most desirable situation in my judgment. I wonder to see such an arrearage from the Department of State to our bankers in Holland. Our predecessors seem to have levied immense sums from their constituents merely to feed favorites by large advances, and thus to purchase by corruption an extension of their influence and power. Their just debts appear to have been left in the background. I understood

that the advance to Genl. Lloyd was to relieve his distress, and the contract a mere cover for letting him have the benefit of the 5,000 D. What would you thing of agreeing to annul the contract on his previous *actual reimbursement* of the money? I think we may conclude with tolerable certainty that the Tripolitans had not taken any of our vessels before Dale's arrival at Gibraltar. What a pity he did not know of the war, that he might have taken their admiral and his ship.

Mr. Church does not exactly ask for a restoration of his consulship at Lisbon: But I am inclined to think it the very best step we can take. However this may be a subject of conversation when we meet. I am happy to hear your complaint has been so slight. I hope the great change in the weather since last night will secure us against the return of any more very hot weather. My respects to the ladies, and sincere and affectionate esteem to yourself.

P. S. All the papers are returned except Davis' letter recommending a collector for the Ohio district.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

MONTICELLO, September 18, 1801.

DEAR SIR.—* * * With respect to Gardner and Campbell, I must leave them to yourself. I think we are bound to take care of them. Could we not procure them as good births as their former at least, in some of the custom-houses? One part of the subject of one of your letters is of a nature which forbids my interference altogether. The amendment to the Constitution, of which you speak, would be a remedy to a certain degree. So will a different amendment which I know will be proposed, to wit, to have no electors, but let the people vote directly, and the ticket which has a plurality of the votes of any State to be considered as receiving thereby the whole vote of the State. Our motions with respect to Livingston are easily explained: it was impossible for him to go off in the instant he was named, or on

shorter warning than two or three months. In the meantime Bingham and others, mercantile men, complained in Congress that we were losing so many thousand dollars every day till the ratification of the treaty. A vessel to carry it was prepared by our predecessors, and all the preparatory expenses of her mission incurred. This is the reason why Mr. L. did not go then. The reason why he must go now is that difficulties have arisen unexpectedly in the ratification of the treaty, which we believe him more capable of getting over than Mr. Murray. We think that the state of the treaty there calls for the presence of a person of talents and confidence ; we would rather trust him than Murray in shaping any new modification.

I sincerely congratulate you on the better health of your son, as well as the new addition to your family, and Mrs. Gallatin's convalescence. I consider it as a trying experiment for a person from the mountains to pass the two bilious months on the tide-water. I have not done it these forty-years, and nothing should induce me to do it. As it is not possible but that the Administration must take some portion of time for their own affairs, I think it best they should select that season for absence. General Washington set the example of those two months ; Mr. Adams extended them to eight months. I should not suppose our bringing it back to two months a ground for grumbling, but, grumble who will, I will never pass those two months on tide-water. Accept assurances of my constant and sincere esteem and respect.

TO WILLIAM SHORT. J. MSS.

WASHINGTON, October 3, 1801.

DEAR SIR,—* * * I trusted to Mr. Dawson to give you a full explanation, verbally, on a subject which I find he has but slightly mentioned to you. I shall therefore now do it. When I returned from France, after an absence of 6. or 7. years, I was astonished at the change which I found had taken place in the U S in that time. No more like the

same people; their notions, their habits & manners, the course of their commerce, so totally changed, that I, who stood in those of 1784, found myself not at all qualified to speak their sentiments, or forward their views in 1790. Very soon, therefore, after entering on the office of Sec. of State, I recommended to Gen. Washington to establish as a rule of practice, that no person should be continued on foreign mission beyond an absence of 6., 7., or 8. years. He approved it. On the only subsequent missions which took place in my time, the persons appointed were notified that they could not be continued beyond that period. All returned within it except Humphreys. His term was not quite out when Gen. Washington went out of office. The succeeding administration had no rule for anything; so he continued. Immediately on my coming to the administration, I wrote to him myself, reminded him of the rule I had communicated to him on his departure; that he had then been absent about 11. years, and consequently must return. On this ground solely he was superseded. Under these circumstances, your appointment was impossible after an absence of 17. years. Under any others, I should never fail to give to yourself & the world proofs of my friendship for you, & of my confidence in you. Whenever you shall return, you will be sensible in a greater, of what I was in a smaller degree, of the change in this nation from what it was when we both left it in 1784. We return like foreigners, &, like them, require a considerable residence here to become Americanized.

The state of political opinions continues to return steadily towards republicanism. To judge from the opposition papers, a stranger would suppose that a considerable check to it had been produced by certain removals of public officers. But this is not the case. All offices were in the hands of the federalists. The injustice of having totally excluded republicans was acknoleged by every man. To have removed one half, & to have placed republicans in their stead, would have been rigorously just, when it was known that these composed a very great majority of the nation. Yet such was their moderation in most of the States, that they did not desire it. In these, therefore, no removals took place but for malversation. In the middle States the contention had been higher, spirits were more sharpened & less accommodating. It was necessary in these two to practise a different treatment, and to make a few changes to tranquilize the injured party. A few have been made there, a very few still remain to be made. When this painful operation shall be over, I see nothing else ahead of us which can give uneasiness to any of our citizens, or retard that consolidation of sentiment so essential to our happiness & our strength. The tory papers will still find fault with everything. But these papers are sinking daily, from their dissonance with the sentiments of their subscribers, & very few will shortly remain to keep up a solitary & ineffectual barking.

There is no point in which an American, long absent from his country, wanders so widely from its

sentiments as on the subject of its foreign affairs. We have a perfect horror at everything like connecting ourselves with the politics of Europe. It would indeed be advantageous to us to have neutral rights established on a broad ground; but no dependence can be placed in any European coalition for that. They have so many other bye-interests of greater weight, that some one or other will always be bought off. To be entangled with them would be a much greater evil than a temporary acquiescence in the false principles which have prevailed. Peace is our most important interest, and a recovery from debt. We feel ourselves strong, & daily growing stronger. The census just now concluded, shows we have added to our population a third of what it was 10. years ago. This will be a duplication in 23. or 24. years. If we can delay but for a few years the necessity of vindicating the laws of nature on the ocean, we shall be the more sure of doing it with effect. The day is within my time as well as yours, when we may say by what laws other nations shall treat us on the sea. And we will say it. In the meantime, we wish to let every treaty we have drop off without renewal. We call in our diplomatic missions, barely keeping up those to the most important nations. There is a strong disposition in our countrymen to discontinue even these; and very possibly it may be done. Consuls will be continued as usual. The interest which European nations feel, as well as ourselves, in the mutual patronage of commercial intercourse, is a sufficient stimulus on both sides to insure that patron-

age. A treaty, contrary to that interest, renders war necessary to get rid of it.

I send this by Chancellor Livingston, named to the Senate the day after I came into office, as our M.P. to France. I have taken care to impress him with the value of your society. You will find him an able and honorable man ; unfortunately, so deaf that he will have to transact all his business by writing. You will have known long ago that Mr. Skipwith is reinstated in his consulship, as well as some others who had been set aside. I recollect no domestic news interesting to you. Your letters to your brother have been regularly transmitted, & I lately forwarded one from him, to be carried you by Mr. Livingston.

CIRCULAR TO THE HEADS OF THE DEPARTMENTS. J. MSS.

WASHINGTON, Nov. 6, 1801.

DEAR SIR,—Coming all of us into executive office, new, and unfamiliar with the course of business previously practised, it was not to be expected we should, in the first outset, adopt in every part a line of proceeding so perfect as to admit no amendment. The mode & degrees of communication, particularly between the Presidents & heads of departments, have not been practised exactly on the same scale in all of them. Yet it would certainly be more safe & satisfactory for ourselves as well as the public, that not only the best, but also an uniform course of proceeding as to manner & degree, should be observed. Having been a member of the first administration under Gen Washington, I can state with exactness what our course then was. Letters of business came addressed sometimes to the President, but most frequently to the heads of departments. If addressed to himself, he referred them to the proper department to be acted on : if to

one of the secretaries, the letter, if it required no answer, was communicated to the President, simply for his information. If an answer was requisite, the secretary of the department communicated the letter & his proposed answer to the President. Generally they were simply sent back after perusal, which signified his approbation. Sometimes he returned them with an informal note, suggesting an alteration or a query. If a doubt of any importance arose, he reserved it for conference. By this means, he was always in accurate possession of all facts and proceedings in every part of the Union, and to whatsoever department they related; he formed a central point for the different branches; preserved an unity of object and action among them; exercised that participation in the suggestion of affairs which his office made incumbent on him; and met himself the due responsibility for whatever was done. During Mr. Adams' administration, his long and habitual absences from the seat of government, rendered this kind of communication impracticable, removed him from any share in the transaction of affairs, and parcelled out the government, in fact, among four independent heads, drawing sometimes in opposite directions. That the former is preferable to the latter course, cannot be doubted. It gave, indeed, to the heads of departments the trouble of making up, once a day, a packet of all their communications for the perusal of the President; it commonly also retarded one day their despatches by mail. But in pressing cases, this injury was prevented by presenting that case singly for immediate attention; and it produced us in return the benefit of his sanction for every act we did. Whether any change of circumstances may render a change in this procedure necessary, a little experience will show us. But I cannot withhold recommending to heads of departments, that we should adopt this course for the present, leaving any necessary modifications of it to time and trial. I am sure my conduct must have proved, better than a thousand declarations would, that my confidence in those whom I am so happy as to have associated with me, is unlimited, unqualified & unabated. I am well satisfied that everything goes on with a wisdom & rectitude which I could not improve. If I had the universe to choose from, I could not

change one of my associates to my better satisfaction. My sole motives are those before expressed, as governing the first administration in chalking out the rules of their proceeding; adding to them only a sense of obligation imposed on me by the public will, to meet personally the duties to which they have appointed me. If this mode of proceeding shall meet the approbation of the heads of departments, it may go into execution without giving them the trouble of an answer; if any other can be suggested which would answer our views and add less to their labors, that will be a sufficient reason for my preferring it to my own proposition, to the substance of which only, & not the form, I attach any importance.

TO JAMES MONROE. J. MSS.

WASHINGTON, Nov. 14, 1801.

DEAR SIR,—The bearer hereof is Mr. Whitney at Connecticut a mechanic of the first order of ingenuity, who invented the cotton gin now so much used in the South; he is at the head of a considerable gun manufactory in Connecticut, and furnishes the U. S. with muskets undoubtedly the best they receive. He has invented molds and machines for making all the pieces of his locks so exactly equal, that take 100 locks to pieces and mingle their parts and the hundred locks may be put together as well by taking the first pieces which come to hand. This is of importance in repairing, because out of 10 locks e.g. disabled for the want of different pieces, 9 good locks may be put together without employing a smith. Leblanc in France had invented a similar process in 1788 and had extended it to the barrel, mounting & stock. I endeavored to get the U. S. to bring

him over, which he was ready for on moderate terms. I failed and I do not know what became of him, Mr. Whitney has not yet extended his improvements beyond the lock. I think it possible he might be engaged in our manufactory of Richmd. tho' I have not asked him the question. I know nothing of his moral character. He is now on his way to S. Carola. on the subject of his gin. Health & happiness cum caeteris votis.

TO AARON BURR. J. MSS.

WASHINGTON, Nov. 18, 1801.

DEAR SIR,—Your favor of the 10th has been received, as have been those also of Sep. 4, & 23. in due time. These letters all relating to office, fall within the general rule which even the very first week of my being engaged in the administration obliged me to establish, to wit, that of not answering letters on office specifically, but leaving the answer to be found in what is done or not done on them. You will readily conceive into what scrapes one would get by saying *no*, either with or without reason, by using a softer language which might excite false hope or by saying *yes* prematurely. And to take away all offence from this silent answer, it is necessary to adhere to it in every case rigidly, as well with bosom friends as strangers. Captain Sterritt is arrived here from the Mediterranean. Congress will have a question as to all the Barbary powers of some difficulty. *We* have had under consideration Mr. Pusy's plans of

fortification. They are scientifically done & expounded. He seems to prove that no works at either the Narrows or Governor's Island can stop a vessel. But to stop them at the Hook by a fort of 8,000 men and protecting army of 29,000 is beyond our present ideas of the scale of defence which we can adopt for all our sea port towns. His estimate of 4,000,000 D. which experience teaches us to double always, in a case where the law allows but (I believe) half a million, ties our hands at once. We refer the case back to Govr. Clinton to select half a dozen persons of judgment, of Americans ideas, and to present such a plan, within our limits, as these shall agree on. In the meantime the general subject will be laid before Congress. Accept assurances of my high respect & consideration.

TO THE GOVERNOR OF VIRGINIA. J. MSS.

(JAMES MONROE.)

WASHINGTON, Nov. 24, 1801.

DEAR SIR,—I had not been unmindful of your letter of June 15, covering a resolution of the House of Representatives of Virginia, and referred to in yours of the 17th inst. The importance of the subject, and the belief that it gave us time for consideration till the next meeting of the Legislature, have induced me to defer the answer to this date. You will perceive that some circumstances connected with the subject, & necessarily presenting themselves to view, would be improper but for yours' & the legislative ear. Their publication might have an ill effect in more than one quarter. In confidence of attention to this, I shall indulge greater freedom in writing.

Common malefactors, I presume, make no part of the object of

that resolution. Neither their numbers, nor the nature of their offences, seem to require any provisions beyond those practised heretofore, & found adequate to the repression of ordinary crimes. Conspiracy, insurgency, treason, rebellion, among that description of persons who brought on us the alarm, and on themselves the tragedy, of 1800, were doubtless within the view of every one; but many perhaps contemplated, and one expression of the resolution might comprehend, a much larger scope. Respect to both opinions makes it my duty to understand the resolution in all the extent of which it is susceptible.

The idea seems to be to provide for these people by a purchase of lands; and it is asked whether such a purchase can be made of the U S in their western territory? A very great extent of country, north of the Ohio, has been laid off into townships, and is now at market, according to the provisions of the acts of Congress, with which you are acquainted. There is nothing which would restrain the State of Virginia either in the purchase or the application of these lands; but a purchase, by the acre, might perhaps be a more expensive provision than the H of Representatives contemplated. Questions would also arise whether the establishment of such a colony within our limits, and to become a part of our union, would be desirable to the State of Virginia itself, or to the other States—especially those who would be in its vicinity?

Could we procure lands beyond the limits of the U S to form a receptacle for these people? On our northern boundary, the country not occupied by British subjects, is the property of Indian nations, whose title would be to be extinguished, with the consent of Great Britain; & the new settlers would be British subjects. It is hardly to be believed that either Great Britain or the Indian proprietors have so disinterested a regard for us, as to be willing to relieve us, by receiving such a colony themselves; and as much to be doubted whether that race of men could long exist in so rigorous a climate. On our western & southern frontiers, Spain holds an immense country, the occupancy of which, however, is in the Indian natives, except a few insolated spots possessed by Spanish subjects. It is very questionable, indeed,

whether the Indians would sell? whether Spain would be willing to receive these people? and nearly certain that she would not alienate the sovereignty. The same question to ourselves would recur here also, as did in the first case: should we be willing to have such a colony in contact with us? However our present interests may restrain us within our own limits, it is impossible not to look forward to distant times, when our rapid multiplication will expand itself beyond those limits, & cover the whole northern, if not the southern continent, with a people speaking the same language, governed in similar forms, & by similar laws; nor can we contemplate with satisfaction either blot or mixture on that surface. Spain, France, and Portugal hold possessions on the southern continent, as to which I am not well enough informed to say how far they might meet our views. But either there or in the northern continent, should the constituted authorities of Virginia fix their attention, of preference, I will have the dispositions of those powers sounded in the first instance.

The West Indies offer a more probable & practicable retreat for them. Inhabited already by a people of their own race & color; climates congenial with their natural constitution; insulated from the other descriptions of men; nature seems to have formed these islands to become the receptacle of the blacks transplanted into this hemisphere. Whether we could obtain from the European sovereigns of those islands leave to send thither the persons under consideration, I cannot say; but I think it more probable than the former propositions, because of their being already inhabited more or less by the same race. The most promising portion of them is the island of St. Domingo, where the blacks are established into a sovereignty *de facto*, & have organized themselves under regular laws & government. I should conjecture that their present ruler might be willing, on many considerations, to receive even that description which would be exiled for acts deemed criminal by us, but meritorious, perhaps, by him. The possibility that these exiles might stimulate & conduct vindicative or predatory descents on our coasts, & facilitate concert with their brethren remaining here, looks to a state of things between that island & us not probable on a contemplation of our relative strength,

and of the disproportion daily growing; and it is overweighed by the humanity of the measures proposed, & the advantages of disembarrassing ourselves of such dangerous characters. Africa would offer a last & undoubted resort, if all others more desirable should fail us. Whenever the Legislature of Virginia shall have brought it's mind to a point, so that I may know exactly what to propose to foreign authorities, I will execute their wishes with fidelity & zeal. I hope, however, they will pardon me for suggesting a single question for their own consideration. When we contemplate the variety of countries & of sovereigns towards which we may direct our views, the vast revolutions & changes of circumstances which are now in a course of progression, the possibilities that arrangements now to be made, with a view to any particular plan, may, at no great distance of time, be totally deranged by a change of sovereignty, of government, or of other circumstances, it will be for the Legislature to consider whether, after they shall have made all those general provisions which may be fixed by legislative authority, it would be reposing too much confidence in their Executive to leave the place of relegation to be decided on by *them*. They could accommodate their arrangements to the actual state of things, in which countries or powers may be found to exist at the day; and may prevent the effect of the law from being defeated by intervening changes. This, however, is for them to decide. Our duty will be to respect their decision.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

November 28, 1801.

Your own opinion and that of the Attorney-General are sufficient authorities to me to approve of prosecuting in the case of the schooner Sally. And I will candidly add that my judgment also concurs. The handcuffs and bolts are palpable testimonials of the intention of the voyage, and the concealment of them and their omission in the statement of the cargo, strengthens the proof. The traffic, too, is so odious that no indulgences can be claimed.

TO THE REVEREND ISAAC STORY. J. MSS.

WASHINGTON, Dec. 5, 1801.

SIR,—Your favor of Oct 27 was received some time since, and read with pleasure. It is not for me to pronounce on the hypothesis you present of a transmigration of souls from one body to another in certain cases. The laws of nature have withheld from us the means of physical knowledge of the country of spirits, and revelation has, for reasons unknown to us, chosen to leave us in the dark as we were. When I was young I was fond of the speculations which seemed to promise some insight into that hidden country, but observing at length that they left me in the same ignorance in which they had found me, I have for very many years ceased to read or to think concerning them, and have reposed my head on that pillow of ignorance which a benevolent Creator has made so soft for us, knowing how much we should be forced to use it. I have thought it better, by nourishing the good passions & controlling the bad, to merit an inheritance in a state of being of which I can know so little, and to trust for the future to him who has been so good for the past. I perceive too that these speculations have with you been only the amusement of leisure hours; while your labors have been devoted to the education of your children, making them good members of society, to the instructing men in their duties, and performing the other offices of a large parish. I am happy in your approbation of the principles I avowed on entering on the government. Ingenius minds, availing themselves of the imperfection

of language, have tortured the expressions out of their plain meaning in order to infer departures from them in practice. If revealed language has not been able to guard itself against misinterpretations, I could not expect it. But if an administration 'quadrating with the obvious import of my language can conciliate the affections of my oppressers,' I will merit that conciliation. I pray you to accept assurances of my respect & best wishes.

FIRST ANNUAL MESSAGE.[1]

J. MSS.

December 8, 1801.

FELLOW CITIZENS OF THE SENATE AND HOUSE OF REPRESENTATIVES:

It is a circumstance of sincere gratification to me that on meeting the great council of our nation, I am able to announce to them, on the grounds of reasonable certainty, that the wars and troubles which have for so many years afflicted our sister nations have at

[1] Sent to the Senate and House, with the following letter:

"December 8, 1801.

"SIR: The circumstances under which we find ourselves placed rendering inconvenient the mode heretofore practiced of making by personal address the first communication between the legislative and executive branches, I have adopted that by message, as used on all subsequent occasions through the session. In doing this, I have had principal regard to the convenience of the legislature, to the economy of their time, to their relief from the embarrassment of immediate answers on subjects not yet fully before them, and to the benefits thence resulting to the public affairs. Trusting that a procedure founded in these motives will meet their approbation, I beg leave, through you, sir, to communicate the enclosed message, with the documents accompanying it, to the honorable the senate, and pray you to accept, for yourself and them, the homage of my high respect and consideration."

On the subject of this message Jefferson wrote to Madison:

"Nov. 12, 1801.

"Will you give this enclosed a serious revisal, not only as to matter, but diction? Where strictness of grammar does not weaken expression, it should be attended to in complaisance to the purists of New England. But where by

length come to an end, and that the communications of peace and commerce are once more opening among them. While we devoutly return thanks to the beneficent Being who has been pleased to breathe into them the spirit of conciliation and forgiveness, we

small grammatical negligences the energy of an idea is condensed, or a word stands for a sentence, I hold grammatical rigor in contempt. I will thank you to expedite it, and to consider as you go along in the documents promised, which of them go from your office, and to have them prepared in duplicates with a press copy of one of the duplicates for me."

He also wrote to Gallatin :

" November 14, 1801.

" Thomas Jefferson asks the favor of Mr. Gallatin to examine the enclosed rough draft of what is proposed for his first communication to Congress ; not merely the part relating to finance, but the whole. Several paragraphs are only provisionally drawn, to be altered or omitted according to further information. The whole respecting finance is predicated on a general view of the subject presented according to what I wish, but subject to the particular consultation which Th. J. wishes to have with Mr. Gallatin, and especially to the calculation proposed to be made as to the adequacy of the impost to the support of government and discharge of the public debt, for which Mr. G. is to furnish correct materials for calculation. The part respecting the navy has not yet been opened to the Secretary of the Navy. What belongs to the Departments of States and War is in unison with the ideas of those gentlemen. Th. J. asks the favor of Mr. Gallatin to devote the first moments he can spare to the enclosed, and to make notes on a separate paper, with pencilled references at the passages noted on. Health and happiness."

In reply Gallatin wrote to Jefferson :

" (Received) 16th November, 1801.

" Dear Sir,—I enclose some hasty remarks on the message.

" The incorrectness of the documents of exports of foreign articles compels me, after much labor, to abandon the plan on which I had intended to calculate the impost, and, as the next best, I will prepare one in the following form, which rests on documents on which we may depend, being those of duties and drawbacks actually paid. For each of the ten years ending 31st December, 1800, I will take the quantity of each article paying specific duties, and the value of each class of articles paying distinct duties *ad valorem*, on which duties were secured, deduct from each respective article and class the quantity and value respectively on which drawbacks have been allowed, and take the difference for the quantity and value of each article consumed in the United States. On each of those articles I will calculate the duties at the rate *now* established by law. The result will give the revenue which would have been collected each year on each article had the duties been the same as at present, and the

are bound with peculiar gratitude to be thankful to him that our own peace has been preserved through so perilous a season, and ourselves permitted quietly to cultivate the earth and to practice and improve those arts which tend to increase our comforts. The

total divided by ten will show the average revenue for the ten years 1791–1800, at the present rate of duties, and adding to this thirty-three and one-third per cent., the rate of increase of population in ten years as given by the census, the result will be assumed as the probable average revenue of the ten succeeding years 1801–1810, or 1802–1809, these being the eight years to which it is eligible that the calculations should apply. This will be but a rough estimate, and yet I cannot perceive any way, from our documents, to render it more correct, unless it be to subtract, from the total amount assumed as the consumption of the ten years 1791–1800, that part of the importations of 1800 not re-exported in the same year, which will, at first view, appear to be above the roughly estimated consumption of that year.

"The great defect of that mode arises from its including the duties on exported articles, which, although not entitled to drawback, made no part of our consumption, and these might have been deducted had the returns of actual foreign exports been correct and properly distinguished. A deduction at random might be made, but then it would be as well to guess at the whole. Does any idea strike you which might lead to a better mode of making the calculation? Unless we have something precise, we never can with safety recommend a repeal of existing taxes.

"Although I could not solve it, I thought that the problem of the annuity necessary to redeem the debt might be solved, although there were two unknown data, viz., the annuity and the time of redemption of *one of the classes* of debt (the time of the other class being 8—*t*), yet two equations might be formed, one term of each of which being the annuity, left an equation, with only the time not given. At all events, the approximation you have assumed is not sufficiently correct, for the annuity you fixed would, if I am not mistaken, leave about one million and half unpaid at the end of the eight years.

"But the problem is, in fact, more complex than I had stated it, on account of the varieties and peculiar properties of the several kinds of debt, as you will judge by the enclosed statement.

"If we cannot with the probable amount of impost and sale of lands pay the debt at the rate proposed and support the establishments on the proposed plans, one of three things must be done; either to continue the internal taxes, or to reduce the expenditure still more, or to discharge the debt with less rapidity. The last resource to me, is the most objectionable, not only because I am firmly of opinion that, if the present Administration and Congress do not take the most effective measures for that object, the debt will be entailed on us and the ensuing generations, together with all the systems which support it,

assurances, indeed, of friendly disposition, received from all the powers with whom we have principal relations, had inspired a confidence that our peace with them would not have been disturbed. But a cessation of the irregularities which had effected

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and which it supports; but also any sinking fund operating in an increased ratio as it progresses, a very small deduction from an appropriation for that object would make a considerable difference in the ultimate term of redemption, which, provided we can, in some shape, manage the three per cents., without redeeming them at their nominal value I think may be paid at fourteen or fifteen years.

"On the other hand, if this Administration shall not reduce taxes, they never will be permanently reduced. To strike at the root of the evil and avert the danger of increasing taxes, encroaching government, temptations to offensive wars, &c., nothing can be more effectual than a repeal of *all* internal taxes, but let them all go, and not one remain on which sister taxes may be hereafter engrafted. I agree most fully with you that pretended tax-preparations, treasury-preparations, and army-preparations against contingent wars tend only to encourage wars. If the United States shall unavoidably be drawn into a war, the people will submit to any necessary tax, and the system of internal taxation which, *then*, shall be thought best adapted to the then situation of the country may be created, instead of engrafted on the old or present plan; if there shall be no real necessity for them, their abolition by this Administration will most powerfully deter any other from reviving them. A repeal now will attach as much unpopularity to them as the late direct tax has done to that mode of taxation. On those grounds, can I ask what, in your opinion, is the minimum of necessary naval and foreign intercourse expenses, including in these last all those which are under the control of the Department of State?

"You will perceive in one of the notes on the message that in giving general results no provision appears for the British treaty, viz., for the £600,000 proposed to be paid in lieu of the 6 Art. This is a temporary demand, which may be met by the four following temporary resources: 1st, the excess of specie in Treasury beyond the necessary sum to be kept there; 2d, the sale of the bank shares belonging to the United States; 3d, the surplus revenue arising from internal taxes beyond the expenses, in case those internal taxes are continued, and, if practicable to discontinue them, one net year of their proceeds which is always due on them and will be due on the day when they may cease; 4th, the balance of the direct tax due payable after the present year.

"You will also see that I lay less stress on savings on the civil list than you do. Some may be made, but the total amount can not be great. The new judiciary, the commissioners of loans, the mint, the accountants of the Navy and War Departments, seem to be the principle, if not the only, objects of reform. Of the clerks I cannot yet say much: those of the Comptroller and Auditor are

the commerce of neutral nations, and of the irritations and injuries produced by them, cannot but add to this confidence; and strengthens, at the same time, the hope, that wrongs committed on offending friends, under a pressure of circumstances, will now

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less numerous and paid less in proportion than those of the Register and two accountants. Transcribing and common ones are easily obtained; good bookkeepers are also everywhere to be found: it is difficult to obtain faithful examining clerks, on whose correctness and fidelity a just settlement of all the accounts depends, and still more difficult to find men of talents. My best clerk next to the principal, and who had twelve hundred dollars, has left me to take one thousand in Philadelphia. Under the present circumstances of this place, we must calculate on paying higher all the inferior officers, principally clerks, than in Philadelphia. Coming all new in the Administration, the heads of Departments must obtain a perfect knowledge of all the details before they can venture on a reform. The number of independent officers attached to the Treasury renders the task still more arduous for me. I assure you that it will take twelve months before I can thoroughly understand every detail of all these several offices. Current business and the more general and important duties of the office do not permit to learn the lesser details but incidentally and by degrees. Until I know them all I dare not touch the machine.

"The most important reform I can suggest is that of specific appropriations, to which it would be desirable to add, by abolishing the accountants, an immediate payment from the Treasury to the individuals who are to apply the money, and an immediate accounting of those individuals to the Treasury; in short to place the War and Navy Departments in relation to the expenditure of money on the same footing on which, at Mr. Madison's request, that of State has been placed. Enclosed is a short paper containing the principles I would propose, in which you will perceive that the discretionary powers of those Departments are intended to be checked by legal provisions, and not by transferring any discretion to another Department. What is called "illustration" on that paper is not correct.

"The disappointment in the export document will necessarily delay some days the proposed result of import; but I think it will be about two million one hundred and fifty thousand dollars.

"The importance of correctness there renders it more eligible to wait a week longer for a more accurate estimate than to proceed now with what we have obtained. We have yet three weeks till the meeting of Congress. With sincere respect."

GALLATIN'S NOTES ON PRESIDENT'S MESSAGE.

November, 1801.

"*Foreign powers friendly*:—Effect. If redress is meant, it seems wrong to

be reviewed with candor, and will be considered as founding just claims of retribution for the past and new assurances for the future.

Among our Indian neighbors, also, a spirit of peace and friend-

raise expectations which probably will be disappointed. *Quere*, whether Mr. King's negotiation should be hinted at.

"*Indians* :—Should not the attempt to treat be mentioned, stating also the determination not to press upon them any disagreeable demand? This to guard against any blame which the imprudence of the Commissioners might occasion.

"*Tripoli* :—More stress might be laid on the protection afforded by the frigates to our vessels which had been long blockaded, and on the imminent peril from which our commerce in the Atlantic was preserved by the timely arrival of our squadron at the moment when the Tripolitans had already reached Gibraltar. *This early, &c.* :—It will be said that the specimen had already been given to Truxton.

"*Finances. In nearly the same ratio, &c.* :—The revenue has increased more than in the same ratio with population : 1st. Because our wealth has increased in a greater ratio than population. 2d. Because the seaports and towns, which consume imported articles much more than the country, have increased in a greater proportion. (See census of New York, Philadelphia, and Baltimore, and compare their increase with that of the United States.) The greater increase of wealth is due in part to our natural situation, but principally to our *neutrality* during the war ; an evident proof of the advantages of peace notwithstanding the depredations of the belligerent powers.

"*We may safely calculate on a certain augmentation, and war indeed and unfortunate calamities may change, &c.* :—It appears perfectly correct to make our calculations and arrangements without any regard to alterations which might be produced by the possible though improbable event of the United States being involved in a war ; but the alteration which may be produced by the restoration of peace in Europe should be taken into consideration. A reduction in the price of our exports would diminish our ability of paying, and therefore of consuming imported articles ; and it is perhaps as much as can be hoped for, if, taking an average of six or eight years immediately succeeding the peace, the natural increase of population was sufficient to counterbalance the decrease of consumption arising from that cause. But, supposing these to balance one another, there is still another cause of decrease of *revenue* arising from peace in Europe. Our enormous carrying trade of foreign articles must be diminished by the peace. Having been much disappointed in the correctness of some of the custom-house and Treasury documents on which I depended I cannot ascertain with precision, but do not think far from the truth the following result, viz : that from 1/8 to 1/10 of our impost revenue is raised on articles not consumed here, but exported without being entitled to drawback, either because

ship generally prevails; and I am happy to inform you that the continued efforts to introduce among them the implements and the practice of husbandry, and of the household arts, have not been without success; that they are becoming more and more

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they have remained more than one year in the country, or are exported in too small parcels to be entitled or for any other cause not ascertained. This item of revenue is not perhaps less at present than 1,200,000 Dollars, and, as it does not rest on consumption, but on an overgrown and accidental commerce, must be deducted from any calculation grounded on the gradual increase of population and consumption. Could we depend only on a continuance of the present revenue from impost, we might at once dispense with all the internal taxes. For the receipts from that source for the year ending 30 June 1801, were 9,550,500

to which must be added 7/16 of the additional duties on sugar, and 11/12 of the additional duties of 2½ per cent. on merchandise which, prior to 30th June, 1800 paid only 10 per cent.; those additional duties on account of the credit given on duties, operated only in the proportion of 9/16 on the sugar duty and 1/12 on the additional 2½ per cent for the year ending 30 June, 1801. These 7/16 and 1/12 of the respective additional duties are equal to about 520,000

So that the *present* revenue from impost is not less than 10,000,000

But a permanent revenue from impost would be sufficient if amounting to 9,500,000

For, adding to it Dollars 250,000 for lands and 50,000 for postage 300,000

9,800,000

and deducting for interest and payment of the debt a yearly sum of 7,200,000

which will pay off about 38 millions (*Quere*, I think 150,000 dollars more a year will be necessary) of the principal in eight years, leaves 2,600,000

for the expenses of government, which I estimate in the gross as followeth: civil list 600,000; miscellaneous 200,000; foreign intercourse, 200,000; 1,000,000

Military; the estimate for this year is 1,120,000; 3/5 of which, as per proposed reduction, is, say 672,000

sensible of the superiority of this dependence for clothing and subsistence over the precarious resources of hunting and fishing; and already we are able to announce, that instead of that constant diminution of their numbers, produced by their wars

Indian Department, 72,000; fortifications, 120,000; arsenals and armories, 66,000;	258,000
	1,930,000
leaving for the navy a sum equal to that for the army:	670,000
	2,600,000

"But, for causes already assigned, I dare not estimate the impost for the eight years 1802–1809 at more than an average of 9,000,00 to 9,250,000 dollars. It must, however, be observed that our expenditures of navy and foreign intercourse may be diminished when a general peace takes place.

"*Now laid before you:* The statements and report of the Secretary of the Treasury are by resolutions and by law respectively laid before Congress by the Secretary. It would be better to say: "which, according to law and the orders of the two Houses, will be laid before you."

"*Taxes on stamps, &c., may be immediately suppressed:*—Although the Executive has a right to recommend the suppression of any one tax, yet in ordinary cases it seems more proper to recommend or suggest generally a reduction of taxes without designating particularly some of them. If the recommendation could be general as to a whole class of taxes, such as all internal taxes, it would not have so much the appearance of what may be attacked as an interference with legislative details.

"*Economies in civil list:*—These may be popular, but I am confident that no Department is less susceptible of reform; it is by far that in which less abuse has been practised; it exceeds but little the original sum set apart for that object; the reason is, that it being the one to which the people are most attentive, it has been most closely watched, and any increase attempted but with caution and repelled with perseverance. At an early period I examined it critically, and the reductions which might be made appeared so trifling, that the whole time I was in Congress, eager as we all were to propose popular measures and to promote economy, I never proposed, nor do I remember to have seen a single reduction proposed. It seems to me that the subject may be mentioned, but less stress laid on it.

"*Expenses of foreign intercourse:*—The Diplomatic Department forms but a small item of these; the expenses attending the Barbary powers, and principally those which are incurred by *consuls, for ministers and agents*, for prosecution of claims and relief of seamen abroad, deserve particular consideration. If

and their wants, some of them begin to experience an increase of population.

To this state of general peace with which we have been blessed, one only exception exists. Tripoli, the least considerable of the

any measure has been taken to check these, it might be mentioned; if the subject has not yet been attended to, I would prefer using the word diplomatic, or foreign ministers, rather than the general words "foreign intercourse."

"*Navy*:—If possible, it would be better to avoid a direct recommendation to continue in actual service a part of it: this subject should, as far as practicable, be treated generally, leaving the Legislature to decide exclusively upon it.

"*I communicate an account of receipts, &c.; also appropriations*:—All those documents prepared and signed by the Register are transmitted on the first week of the session by the Secretary to Congress. By the law constituting the Treasury Department, it is enacted that the Secretary shall lay before Congress or either House such reports, documents, &c. as he may be directed from time to time. Hence the invariable practice has been to call for financial information directly on the Treasury Department, except in the case of loans, where the authority had been given to the President; and for information respecting Army, Navy, or State Department, the application is always to the President, requesting him to direct &c. The distinction, it is presumable, has been made in order to leave to Congress a direct power, uncontrolled by the Executive, on financial documents and information as connected with money and revenue subjects. It would at present be much more convenient to follow a different course; if instead of six or seven reports called for by the standing orders of one or the other House I could throw them all into one, to be made to you, it would unite the advantages of simplicity and perspicuity to that of connection with the reports made by the other Departments, as all might then be presented to Congress through you and by you; but I fear that it would be attacked as an attempt to dispense with the orders of the House or of Congress if the usual reports were not made in the usual manner to them; and if these are still made, it becomes useless for you to communicate duplicates. But the paragraph may be easily modified by saying, "The accounts, &c., will show, &c." *Quere*, whether this remarkable distinction, which will be found to pervade all the laws relative to the Treasury Department, was not introduced to that extent in order to give Mr. Hamilton a department independent of every executive control? It may be remembered that he claimed under those laws the right of making reports and proposing reforms, &c., without being called for the same by Congress. This was a Presidential power, for by the Constitution the President is to call on the Departments for information, and has alone the power of recommending. But in the present case, see the Act supplementary to the Act establishing the Treasury Department, passed in 1800.

"*Navy-yards*:—Too much seems to be said in favor of the navy-yard

Barbary States, had come forward with demands unfounded either in right or in compact, and had permitted itself to denounce war, on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean, with assurances to that power of our sincere desire to remain in peace, but

here. Six appear too many, and the Legislature having heretofore authorized but two, it seems that a stronger recommendation to authorize a reduction of the number might be made, and a suggestion of the propriety of regulating by law to what kind of officers their immediate superintendence should be committed.

"*Few harbors in the United States offer, &c.* :—Is that fact certain? Portsmouth, Philadelphia and even Boston, are perfectly defensible. But if true, should it be stated in a public speech? Will it not be charged as exposing the nakedness of the land?

"*Sedition Act* :—The idea contained in the last paragraph had struck me; but to suggest its propriety to the Legislature appears doubtful. Are we sure of a Senatorial majority originally opposed to that law? *Quere*, as to Foster.

"*Juries* :—A recommendation for a law providing an impartial and uniform mode of summoning juries, and taking the power from marshals and clerks,—from the Judiciary and Executive,—would, if according with the sentiments of the Executive come with propriety from him.

"*Progress of opinion, &c.* :—Is it perfectly right to touch on that subject? It appears to me more objectionable than the doubtful paragraph relative to compensation to sufferers under Sedition Act.

"There is but one subject not mentioned in the message which I feel extremely anxious to see recommended. It is, generally, that Congress should adopt such measures as will effectually guard against misapplication of public moneys; by making specific appropriations whenever practicable; by providing against the application of moneys drawn from the Treasury under an appropriation to any other object or to any greater amount than that for which they have been drawn; by limiting discretionary powers in the application of that money, whether by heads of Department or by any other agents; and by rendering every person who receives public moneys from the Treasury as immediately, promptly, and effectually accountable to the accounting officer (the Comptroller) as practicable. The great characteristic, the flagrant vice, of the late administration has been total disregard of laws, and application of public moneys by the Departments to objects for which they were not appropriated. Witness Pickering's account; but if you will see a palpable proof and an evidence of the necessity of a remedy, see the Quartermaster General's account for five hundred thousand dollars in the office of the accountant of the War Department."

with orders to protect our commerce against the threatened attack. The measure was seasonable and salutary. The bey had already declared war in form. His cruisers were out. Two had arrived at Gibraltar. Our commerce in the Mediterranean was blockaded, and that of the Atlantic in peril. The arrival of our squadron dispelled the danger. One of the Tripolitan cruisers having fallen in with, and engaged the small schooner Enterprise, commanded by Lieutenant Sterret, which had gone as a tender to our larger vessels, was captured, after a heavy slaughter of her men, without the loss of a single one on our part. The bravery exhibited by our citizens on that element, will, I trust, be a testimony to the world that it is not the want of that virtue which makes us seek their peace, but a conscientious desire to direct the energies of our nation to the multiplication of the human race, and not to its destruction. Unauthorized by the constitution, without the sanction of Congress, to go out beyond the line of defence, the vessel being disabled from committing further hostilities, was liberated with its crew. The legislature will doubtless consider whether, by authorizing measures of offence, also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of the important function considered by the constitution to the legislature exclusively, their judgment may form itself on a knowledge and consideration of every circumstance of weight.

I wish I could say that our situation with all the other Barbary states was entirely satisfactory. Discovering that some delays had taken place in the performance of certain articles stipulated by us, I thought it my duty, by immediate measures for fulfilling them, to vindicate to ourselves the right of considering the effect of departure from stipulation on their side. From the papers which will be laid before you, you will be enabled to judge whether our treaties are regarded by them as fixing at all the measure of their demands, or as guarding from the exercise of force our vessels within their power; and to consider how far it will be safe and expedient to leave our affairs with them in their present posture.

I lay before you the result of the census lately taken of our inhabitants, to a conformity with which we are to reduce the ensuing rates of representation and taxation. You will perceive that the increase of numbers during the last ten years, proceeding in geometrical ratio, promises a duplication in little more than twenty-two years. We contemplate this rapid growth, and the prospect it holds up to us, not with a view to the injuries it may enable us to do to others in some future day, but to the settlement of the extensive country still remaining vacant within our limits, to the multiplications of men susceptible of happiness, educated in the love of order, habituated to self-government, and value its blessings above all price.

Other circumstances, combined with the increase of numbers, have produced an augmentation of revenue arising from consumption, in a ratio far beyond that of population alone, and though the changes of foreign relations now taking place so desirably for the world, may for a season affect this branch of revenue, yet, weighing all probabilities of expense, as well as of income, there is reasonable ground of confidence that we may now safely dispense with all the internal taxes, comprehending excises, stamps, auctions, licenses, carriages, and refined sugars, to which the postage on newspapers may be added, to facilitate the progress of information, and that the remaining sources of revenue will be sufficient to provide for the support of government to pay the interest on the public debts, and to discharge the principals in shorter periods than the laws or the general expectations had contemplated. War, indeed, and untoward events, may change this prospect of things, and call for expenses which the imposts could not meet; but sound principles will not justify our taxing the industry of our fellow citizens to accumulate treasure for wars to happen we know not when, and which might not perhaps happen but from the temptations offered by that treasure.

These views, however, of reducing our burdens, are formed on the expectation that a sensible, and at the same time a salutary reduction, may take place in our habitual expenditures. For this purpose, those of the civil government, the army, and navy, will need revisal.

When we consider that this government is charged with the external and mutual relations only of these states; that the states themselves have principal care of our persons, our property, and our reputation, constituting the great field of human concerns, we may well doubt whether our organization is not too complicated, too expensive; whether offices or officers have not been multiplied unnecessarily, and sometimes injuriously to the service they were meant to promote. I will cause to be laid before you an essay toward a statement of those who, under public employment of various kinds, draw money from the treasury or from our citizens. Time has not permitted a perfect enumeration, the ramifications of office being too multipled and remote to be completely traced in a first trial. Among those who are dependent on executive discretion, I have begun the reduction of what was deemed necessary. The expenses of diplomatic agency have been considerably diminished. The inspectors of internal revenue who were found to obstruct the accountability of the institution, have been discontinued. Several agencies created by executive authority, on salaries fixed by that also, have been suppressed, and should suggest the expediency of regulating that power by law, so as to subject its exercises to legislative inspection and sanction. Other reformations of the same kind will be pursued with that caution which is requisite in removing useless things, not to injure what is retained. But the great mass of public offices is established by law, and, therefore, by law alone can be abolished. Should the legislature think it expedient to pass this roll in review, and try all its parts by the test of public utility, they may be assured of every aid and light which executive information can yield. Considering the general tendency to multiply offices and dependencies, and to increase expense to the ultimate term of burden which the citizen can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off the surcharge; that it may never be seen here that, after leaving to labor the smallest portion of its earnings on which it can subsist, government shall itself consume the residue of what it was instituted to guard.

In our care, too, of the public contributions intrusted to our direction, it would be prudent to multiply barriers against their

dissipation, by appropriating specific sums to every specific purpose susceptible of definition; by disallowing applications of money varying from the appropriation in object, or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money; and by bringing back to a single department all accountabilities for money where the examination may be prompt, efficacious, and uniform.

An account of the receipts and expenditures of the last year, as prepared by the secretary of the treasury, will as usual be laid before you. The success which has attended the late sales of the public lands, shows that with attention they may be made an important source of receipt. Among the payments, those made in discharge of the principal and interest of the national debt, will show that the public faith has been exactly maintained. To these will be added an estimate of appropriations necessary for the ensuing year. This last will of course be effected by such modifications of the systems of expense, as you shall think proper to adopt.

A statement has been formed by the secretary of war, on mature consideration, of all the posts and stations where garrisons will be expedient, and of the number of men requisite for each garrison. The whole amount is considerably short of the present military establishment. For the surplus no particular use can be pointed out. For defence against invasion, their number is as nothing; nor is it conceived needful or safe that a standing army should be kept up in time of peace for that purpose. Uncertain as we must ever be of the particular point in our circumference where an enemy may choose to invade us, the only force which can be ready at every point and competent to oppose them, is the body of neighboring citizens as formed into a militia. On these, collected from the parts most convenient, in numbers proportioned to the invading foe, it is best to rely, not only to meet the first attack, but if it threatens to be permanent, to maintain the defence until regulars may be engaged to relieve them. These considerations render it important that we should at every session continue to amend the defects which from time to time show themselves in the laws for regulating the militia, until they are sufficiently perfect. Nor should we now or at any time separate,

until we can say we have done everything for the militia which we could do were an enemy at our door.

The provisions of military stores on hand will be laid before you, that you may judge of the additions still requisite.

With respect to the extent to which our naval preparations should be carried, some difference of opinion may be expected to appear; but just attention to the circumstances of every part of the Union will doubtless reconcile all. A small force will probably continue to be wanted for actual service in the Mediterranean. Whatever annual sum beyond that you may think proper to appropriate to naval preparations, would perhaps be better employed in providing those articles which may be kept without waste or consumption, and be in readiness when any exigence calls them into use. Progress has been made, as will appear by papers now communicated, in providing materials for seventy-four gun ships as directed by law.

How far the authority given by the legislature for procuring and establishing sites for naval purposes has been perfectly understood and pursued in the execution, admits of some doubt. A statement of the expenses already incurred on that subject, shall be laid before you. I have in certain cases suspended or slackened these expenditures, that the legislature might determine whether so many yards are necessary as have been contemplated. The works at this place are among those permitted to go on; and five of the seven frigates directed to be laid up, have been brought and laid up here, where, besides the safety of their position, they are under the eye of the executive administration, as well as of its agents and where yourselves also will be guided by your own view in the legislative provisions respecting them which may from time to time be necessary. They are preserved in such condition, as well the vessels as whatever belongs to them, as to be at all times ready for sea on a short warning. Two others are yet to be laid up so soon as they shall have reserved the repairs requisite to put them also into sound condition. As a superintending officer will be necessary at each yard, his duties and emoluments, hitherto fixed by the executive, will be a more proper subject for legislation. A communication will also be made of our progress in the execution of the law respecting the vessels directed to be sold.

The fortifications of our harbors, more or less advanced, present considerations of great difficulty. While some of them are on a scale sufficiently proportioned to the advantages of their position, to the efficacy of their protection, and the importance of the points within it, others are so extensive, will cost so much in their first erection, so much in their maintenance, and require such a force to garrison them, as to make it questionable what is best now to be done. A statement of those commenced or projected, of the expenses already incurred, and estimates of their future cost, so far as can be foreseen, shall be laid before you, that you may be enabled to judge whether any attention is necessary in the laws respecting this subject.

Agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are the most thriving when left most free to individual enterprise. Protection from casual embarrassments, however, may sometimes be seasonably interposed. If in the course of your observations or inquiries they should appear to need any aid within the limits of our constitutional powers, your sense of their importance is a sufficient assurance they will occupy your attention. We cannot, indeed, but all feel an anxious solicitude for the difficulties under which our carrying trade will soon be placed. How far it can be relieved, otherwise than by time, is a subject of important consideration.

The judiciary system of the United States, and especially that portion of it recently erected, will of course present itself to the contemplation of Congress; and that they may be able to judge of the proportion which the institution bears to the business it has to perform, I have caused to be procured from the several States, and now lay before Congress, an exact statement of all the causes decided since the first establishment of the courts, and of those which were depending when additional courts and judges were brought in to their aid.

And while on the judiciary organization, it will be worthy your consideration, whether the protection of the inestimable institution of juries has been extended to all the cases involving the security of our persons and property. Their impartial selection also being essential to their value, we ought further to consider whether that is sufficiently secured in those States where they are named by a

marshal depending on executive will, or designated by the court or by officers dependent on them.

I cannot omit recommending a revisal of the laws on the subject of naturalization. Considering the ordinary chances of human life, a denial of citizenship under a residence of fourteen years is a denial to a great proportion of those who ask it, and controls a policy pursued from their first settlement by many of these States, and still believed of consequence to their prosperity. And shall we refuse the unhappy fugitives from distress that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe? The constitution, indeed, has wisely provided that, for admission to certain offices of important trust, a residence shall be required sufficient to develop character and design. But might not the general character and capabilities of a citizen be safely communicated to every one manifesting a *bona fide* purpose of embarking his life and fortunes permanently with us? with restrictions, perhaps, to guard against the fraudulent usurpation of our flag; an abuse which brings so much embarrassment and loss on the genuine citizen, and so much danger to the nation of being involved in war, that no endeavor should be spared to detect and suppress it.[1]

These, fellow citizens, are the matters respecting the state of the nation, which I have thought of importance to be submitted to your consideration at this time. Some others of less moment, or not yet ready for communication, will be the subject of separate messages. I am happy in this opportunity of committing the arduous affairs of our government to the collected wisdom of the Union. Nothing shall be wanting on my part to inform, as

[1] In the Jefferson MSS. is the following note, evidently a rough basis of this clause:

"recommend a revisal of the law respecting citizens.

"every man has a right to live some where on the earth, and if some where, no one society has a greater right than another to exclude him. Becoming indeed a member of any society, he is bound to conform to the rules formed by the Majority, but has the Majority a right to subject him to unequal rules, to rules from which they exempt themselves. I hazard these suggestions for the consid'n of Congress.

"the only rightful line is between transient persons & bona fide citizens."

far as in my power, the legislative judgment, nor to carry that judgment into faithful execution. The prudence and temperance of your discussions will promote, within your own walls, that conciliation which so much befriends national conclusion ; and by its example will encourage among our constituents that progress of opinion which is tending to unite them in object and in will. That all should be satisfied with any one order of things is not to be expected, but I indulge the pleasing persuasion that the great body of our citizens will cordially concur in honest and disinterested efforts, which have for their object to preserve the general and State governments in their constitutional form and equilibrium ; to maintain peace abroad, and order and obedience to the laws at home ; to establish principles and practices of administration favorable to the security of liberty and prosperity, and to reduce expenses to what is necessary for the useful purposes of government.[1]

[1] Of this message, Jefferson wrote to Dupont de Nemours :

"WASHINGTON, Jan. 18, 1802.

"DEAR SIR,—It is rare I can indulge myself in the luxury of philosophy. Your letters give me a few of those delicious moments. Placed as you are in a great commercial town, with little opportunity of discovering the dispositions of the country portions of our citizens, I do not wonder at your doubts whether they will generally and sincerely concur in the sentiments and measures developed in my message of the 7th Jany [*sic*]. But from 40. years of intimate conversation with the agricultural inhabitants of my country, I can pronounce them as different from those of the cities, as those of any two nations known. The sentiments of the former can in no degree be inferred from those of the latter. You have spoken a profound truth in these words, "Il y a dans les etats unis un bon sens silencieux, un esprit de justice froide, qui lorsqu'il est question d'emettre un *vote* comme les bavardages de ceux qui font les habiles." A plain country farmer has written lately a pamphlet on our public affairs. His testimony of the sense of the country is the best which can be produced of the justness of your observation. His words are "The tongue of man is not his whole body. So, in this case, the noisy part of the community was not all the body politic. During the career of fury and contention (in 1800) the sedate, grave part of the people were still; hearing all, and judging for themselves, what method to take, when the constitutional time of action should come, the exercise of the right of suffrage." The majority of the present legislature are in unison with the agricultural part of our citizens, and you will see that there is

TO DOCTOR BENJAMIN RUSH.

WASHINGTON, Dec. 20, 1801.

DEAR SIR,—I have received your favor of Nov 27, with your introductory lecture, which I have read with the pleasure and edification I do everything from you. I am happy to see that vaccination is introduced, & likely to be kept up, in Philadelphia; but I shall not think it exhibits all it's utility until experience shall have hit upon some mark or rule by which the popular eye may distinguish genuine from

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nothing in the message, to which they do not accord. Some things may perhaps be left undone from motives of compromise for a time, and not to alarm by too sudden a reformation, but with a view to be resumed at another time. I am perfectly satisfied the effect of the proceedings of this session of congress will be to consolidate the great body of well meaning citizens together, whether federal or republican, heretofore called. I do not mean to include royalists or priests. Their opposition is immovable. But they will be vox et preterea nihil, leaders without followers. I am satisfied that within one year from this time were an election to take place between two candidates merely republican and federal, where no personal opposition existed against either, the federal candidate would not get the vote of a single elector in the U. S. I must here again appeal to the testimony of my farmer, who says "The great body of the people are one in sentiment. If the federal party and the republican party, should each of them choose a convention to frame a constitution of government or a code of laws, there would be no radical difference in the results of the two conventions." This is most true. The body of our people, tho' divided for a short time by an artificial panic, and called by different names, have ever had the same object in view, to wit, the maintenance of a federal, republican government, and have never ceased to be all federalists, all republicans: still excepting the noisy band of royalists inhabiting cities chiefly, and priests both of city and country. When I say that in an election between a republican and federal candidate, free from personal objection, the former would probably get every vote, I must not be understood as placing myself in that view. It was my destiny to come to the government when it had for several years been committed to a particular political sect, to the absolute and entire exclusion of those who were in sentiment with the body of the nation. I found the country entirely in the enemies hands. It was necessary to dislodge some of them. Out of many thousands of officers in the U. S. 9. only have been removed for political principle, and 12. for delinquincies chiefly pecuniary. The whole herd have

spurious virus. It was with this view that I wished to discover whether time could not be made the standard, and supposed, from the little experience I had, that matter, taken at 8. times 24. hours from the time of insertion, could always be in the proper state. As far as I went I found it so; but I shall be happy to learn what the immense field of experience in Philadelphia will teach us on that subject.

Our winter campaign has opened with more good humor than I expected. By sending a message, in-

squealed out, as if all their throats were cut. These acts of justice few as they have been, have raised great personal objections to me, of which a new character would be [*faded*]. When this government was first established, it was possible to have kept it going on true principles, but the contracted, English, half-lettered ideas of Hamilton, destroyed that hope in the bud. We can pay off his debt in 15. years: but we can never get rid of his financial system. It mortifies me to be strengthening principles which I deem radically vicious, but this vice is entailed on us by the first error. In other parts of our government I hope we shall be able by degrees to introduce sound principles and make them habitual. What is practicable must often controul what is pure theory: and the habits of the governed determine in a great degree what is practicable. Hence the same original principles, modified in practice according to the different habits of different nations, present governments of very different aspects. The same principles reduced to forms of practice accommodated to our habits, and put into forms accommodated to the habits of the French nation would present governments very unlike each other. I have no doubt but that a great man, thoroughly knowing the habits of France, might so accommodate to them the principles of free government as to enable them to live free. But in the hands of those who have not this coup d'oeil, many unsuccessful experiments I fear are yet to be tried before they will settle down in freedom and tranquility. I applaud therefore your determination to remain here, tho' for yourself and the adults of your family the dissimilitude of our manners and the difference of tongue will be sources of real unhappiness. Yet less so than the horrors and dangers which France would present to you, and as to those of your family still in infancy, they will be formed to the circumstances of the country, and will, I doubt not, be happier here than they could have been in Europe under any circumstances. Be so good as to make my respectful salutations acceptable to Made. Dupont, and all of your family and to be assured yourself of my constant and affectionate esteem."

stead of making a speech at the opening of the session, I have prevented the bloody conflict to which the making an answer would have committed them. They consequently were able to set into real business at once, without losing 10. or 12. days in combating an answer. Hitherto there has been no disagreeable altercations. The suppression of useless offices, and lopping off the parasitical plant engrafted at the last session on the judiciary body, will probably produce some. Bitter men are not pleased with the suppression of taxes. Not daring to condemn the measure, they attack the motive; & too disingenuous to ascribe it to the honest one of freeing our citizens from unnecessary burthens and unnecessary systems of office, they ascribe it to a desire of popularity. But every honest man will suppose honest acts to flow from honest principles, & the rogues may rail without intermission.

My health has been always so uniformly firm, that I have for some years dreaded nothing so much as the living too long. I think, however, that a flaw has appeared which ensures me against that, without cutting short any of the period during which I could expect to remain capable of being useful. It will probably give me as many years as I wish, and without pain or debility. Should this be the case, my most anxious prayers will have been fulfilled by Heaven.

I have said as much to no mortal breathing, and my florid health is calculated to keep my friends as well as foes quiet, as they should be. Accept assurances of my constant esteem & high respect.

TO THE ATTORNEY GENERAL. J. MSS.

(LEVI LINCOLN.)

Jan 1, 1802.

Averse to receive addresses, yet unable to prevent them, I have generally endeavored to turn them to some account, by making them the occasion, by way of answer, of sowing useful truths & principles among the people, which might germinate and become rooted among their political tenets. The Baptist address, now enclosed, admits of a condemnation of the alliance between Church and State, under the authority of the Constitution. It furnishes an occasion, too, which I have long wished to find, of saying why I do not proclaim fastings & thanksgivings, as my predecessors did.

The address, to be sure, does not point at this, & it's introduction is awkward. But I foresee no opportunity of doing it more pertinently. I know it will give great offence to the New England clergy; but the advocate of religious freedom is to expect neither peace nor forgiveness from them. Will you be so good as to examine the answer, and suggest any alterations which might prevent an ill effect, or promote a good one among the people? You understand the temper of those in the North, and can weaken it, therefore, to their stomachs: it is at present seasoned to the Southern taste only. I would ask the favor of you to return it, with the address, in the course of the day or evening. Health & affection.

TO JAMES CHEETHAM. J. MSS.

WASHINGTON Jan. 17, 1802.

DEAR SIR,—Your favor of Dec. 29 was received in due time. Although it is all important for public as well as personal considerations, that I should receive information of every interesting occurrence, yet it is little in my power to entitle myself to it by regular correspondence on my part. In fact it is rare I can answer a private letter at all, being for the most part obliged to leave even my best friends to

read the answer in what is done, or not done, in consequence of their letters. This must account for my late answer to yours of the 29th ult. and for my failures to answer at all on other occasions. The fact of the suppression of a work mentioned by you is curious, and pregnant with considerations.[1] Is it impossible to get a single copy of the work? A good history of the period it comprehended will doubtless be valuable. Should it be undertaken as you suggest, I should suppose it indispensable in you, rather to visit this place, at your own convenience, for the information you desire as to a particular document, and for such other as the work itself will suggest to you. In the meantime I can assure you that I have only read that document with the extracts from it, in Callender's History of 1796. Pa. 172 to 181 & find the latter not only substantially, but almost verbally exact. With respect to the compensation to the negotiator, I think the printed public accounts show that he received his salary as C. J. and his *actual expenses on the mission.*

A certain description of persons are so industrious in misconstruing and misrepresenting every word from my pen, that I must pray you, after reading this, to destroy it, that no accident happening to it may furnish matter for new slanders. Accept my respects and best wishes.

TO WILSON CARY NICHOLAS. J. MSS.

WASHINGTON Jan. 26, 1802.

DEAR SIR,—The enclosed paper was put into my hands by Mr. Madison to fill up some dates, but I

[1] Probably Wood's *History of the Administration of John Adams.*

have been so engaged as to do little to it ; and supposing you will want it to-day I send it as it is. To that list may be added the appointment of Gouvr. Morris to negotiate with the court of London, by letter written and signed by Genl. Washington, and Dav. Humphreys to negotiate with Liston by letter. Commissions were not given in form because no ministers had yet been sent here by those courts. But all the powers were given them, and half the salary (as they were not to display the diplomatic ranks, half salary was thought sufficient) but they were compleatly officers on salaries, and no notice given the senate till afterwards.

The phrases in the constitution is : " to fill up all vacancies that may happen during the recess of the Senate." This may mean " vacancies that may happen to be " or " may happen to fall " it is certainly susceptible of both constructions, and we took the practice of our predecessors as the commentary established. This was done without deliberation ; and we have not before taken an exact view of the precedents. They more than cover our cases, but I think some of them are not justifiable. We propose to take the subject into consideration, and to fix on such a rule of conduct, within the words of the constitution, as may save the government from serious injury, and yet restrain the executive within limits which might admit mischief. You will observe the cases of Reade & Putnam, where the persons nominated declining to accept the vacancy remained unfilled and had happened before the recess. It will be said these vacan-

cies did not remain unfilled by the intention of the executive, who had, by nomination, endeavored to fill them. So in our cases, they were not unfilled by the intention of the successor, but by the omission of the predecessor. Chas. Lee informed me that wherever an office became vacant so short a time before congress rose, as not to give an opportunity of inquiring for a proper character, they let it lie always till recess. However this discussion is too long for a letter. We must establish a correct and well digested rule of practice, to bind up our successors as well as ourselves. If we find that any of our cases go beyond the limits of such a rule, we must consider what will be the best way of preventing their being considered authoritative examples. In the meantime I think it would be better to give the subject the go for the present, that we may have time to consider and to do what will be best for the general safety. Health & respect.

P. S.—When you are done with the enclosed paper I shall be very glad to receive it again to copy it for publication.

TO JOHN PAGE. J. MSS.

WASHINGTON, Feb. 20, 1802.

MY DEAR FRIEND,—I pray you, in the first place, that the contents of this letter may be inviolably secret, until promulgated by some public act. In my letter of March 2d, I mentioned to you that the mint had been left at Philadelphia merely because taken

up by the legislature too late to decide on it. The subject is now resumed, and there is no doubt the institution will be suppressed. This of course prevents the prospect of employing your talents worthily in that department. Another difficulty has occurred, of which at that time I was not apprized. Virginia is greatly over her due proportion of appointments in the general government; and tho' this has not been done by me, it would be imputed as blamed to me to add to her proportion. So that for all general offices persons to fill them must for some time be sought from other states, and only offices which are to be exercised within the state can be given to its own citizens. This leaves but little scope for placing talents in offices to which they are analogous, and must apologize for what I am about to propose to you. Col. Heath, the collector of the customs at Petersburg must be removed on account of the irritability of his temper, and the fury of his Federalism. His office will probably be worth in future from 2. to 3. thousand D. a year as you will see by the inclosed paper. In proposing it to you, I am governed only by a desire to be useful to you, and at the same time to place the office in hands equal to its duties and acceptable to the public. What its labours are, I know not. Its responsibility is very great; as prodigious sums pass through it, which, where there is no bank to deposit them in for safe-keeping, lie at considerable risk. It requires too the utmost vigilance of the principal over his clerks, as we have seen the collectors of South Carolina, Pennsylva and N. York

and some others, not only ruin themselves, but their securities also, and still great loss falling on the public; and this from the sole fraud of the clerk. I should suppose indeed that nothing could secure the principal but a vigorous refusal to let his clerks ever touch a dollar, and an inflexible reservation of the care and custody of the iron chest to himself. With this precaution, these officers are the best in the U. S. Although I know your character to be much inclined to indulgence, and confidence in others, yet I know also that when you are apprized that the safety of yourself and family, of your securities and of the public and your own reputation also would require you not to trust any body but yourself, your sense of duty is too strong to leave any hesitation. I mention these circumstances, because I wish you to be apprized of the dangers as well as the benefits of the office, and to make up your judgment on a view of the whole subject. It would require your removal to Petersburgh where the office is kept. Taking convenient time to consider of it, you will be so good as to inform me as soon as you can decide whether you will accept the office or not. There was for some time an expectation that Colonel Davies's death would have produced a vacancy in that office, which is a better one than that of Petersburg. But I believe that expectation is over. Present me respectfully to Mrs. Page, and accept yourself assurances of my constant and affectionate esteem.[1]

[1] The history of Page's office holding furnishes perhaps the most curious instance of the use of public offices for private benefit, and deserves to be told at length. In continuance of the above letter Jefferson wrote:

P. S. Mar. 9. I have withheld this letter some days on an expectation that Mr. Gallatin would be able to say something further on the subject of the

"WASHINGTON, Apr. 2, 1802.

"DEAR SIR,—Yours of Mar. 27th was received last night; and the object of the present is to assure you that you may take your own time for making inquiries and deliberating for a final decision on the proposition made you in my former letter. Only let your inquiries be so conducted as not to permit the object to be suspected in the least. I am afraid it might not be prudent to take into calculation the chance of removal to any other office, unless some one were to become vacant in the state, on account of the over proportion which Virginia has at present in the general offices of the federal government, tho' only one of these (Mr. Madison) has been put in by me, any room given for an imputation of partiality in me of this kind would expose me to peculiar reproach, besides increasing the clamour artifically raised against Virginia. As soon as any alteration is made by the legislature in the emoluments of the office proposed to you, I will communicate it to you. In the meantime it may be calculated with probability at what Mr. Gallatin has supposed. Present my respectful compliments to Mrs. Page, and accept yourself assurances of my constant and sincere friendship."

"MONTICELLO, May 7, 1802.

"MY DEAR FRIEND,—The operation which Congress has performed on the fees of the customs house officers [*illegible*] was expected. From that at Petersburg particularly they have taken only the salary of 250 D. which they have given to Richmond. Consequently the emoluments will be as represented in the paper sent you, only deducting the 250. d. This I think will make it about 750 a year more than Mr. Gallatin there expected. On this view of the subject I cannot but again propose it to you, being unwilling you should not have the best place it will ever be in my power to dispose of in this state. I am not without hopes your son will give you his aid: or that you can find some other entirely trustworthy. Colonel Byrd's misfortunes probably proceeded from a want of the power of self-denial; which your integrity will sufficiently guard against. I believe he was also too easy in his credits to the merchants. On that subject, a rule being laid down by you, and inflexibly persevered in, they will arrange themselves to it without difficulty, as they do in their transactions with the banks. This attention and keeping yourself the key of the strong box will effectually guard against the possibility of loss. Take the subject, therefore, my friend, once more into consideration, and let me know your final determination keeping now as before inviolably secret that anything is contemplated, until we make it public. Be so good as to present my respects to Mrs. Page, and to be assured yourself of my affectionate and constant attachment. I am here only for a fortnight."

emoluments of the office. He says that a committee are about to propose reductions of the emoluments of all the collectors. He is of opinion this will be

In December, 1802, Page was elected Governor of Virginia, and held that office for three years, thus no longer needing assistance; but shortly after the end of his term Jefferson wrote his old friend as follows:

"WASHINGTON, 3 July, 1806.

"MY DEAR FRIEND,—By a letter from Mr. Walker to Mr. Madison I learn that he had visited you lately at Rosewell, and thought that some occupation in the public concerns would not be refused by you. I wish there was anything to offer which might give you amusement, profit and little labor; but our's you know is not a government of any great choice of office. We have reason to consider as very near at hand a vacancy in an office, which indeed could offer you no amusement, little emolument, but also no labor. The death of the present worthy loan officer (Mr. Jones) is considered as inevitably close at hand. This opinion I have from the best medical judge, and the proposing it to you occurs from the information of Mr. Walker's letter. The salary is 1500 D a year, and 150 or 200 D more as commission on payment of pensions. Stationary is allowed, but neither office hire nor fuel. 1000 D additional are permitted to be divided between two clerks as the principal pleases. Mr. Gallatin says that a residence so near to Richmond as that you could ride there once or twice a week, would be sufficient, and that the office books being deposited with the Richmond bank a little before quarter day, they would make all the paiments without charge, considering as a sufficient emolument the deposit of the public money with them, which would at the same time save you from trouble and risk. The business can be done by one clerk, but there must still be two. However, nearly all the salary is given to the efficient clerk, and a minimum to the one who is merely nominal, or at least, this may be the arrangement, if it is not so at present. There is probably a clerk in the office well skilled in the business, and whom it might be necessary to keep some time. In the meanwhile if one of your sons could come in as a secondary, in proportion as he advances in his knolege of the business, he might divide in the salary more and more largely, and finally take the principal place and salary, to the Commissioner of loans himself. The office is a perfect sinecure.

"The introduction of one of your sons into the office, besides adding the benefit of the additional thousand dollars to the family, would, by placing him as it were in possession of the office, secure his succeeding to it in that event which you and I ought now to consider as not very remote. I pray that this letter may be considered as strictly confidential to Mrs. Page and yourself, and as soon as you have made up your mind, to be so good as to apprise me of it, because to the solicitations already received, a flood of others will be added on the death of the incumbent. I confess I look to your decision with the more

reduced so as to stand somewhere between two & three thousand dollars. I thought it best to apprize you of everything. Gallatin mentions a very neces-

hope, as it would once more place you within reach of Monticello. I understand from Mr. Gallatin that the circumstance which renders necessary the residence of the officer in the vicinity of Richmond is the occasional transfer of stock, to which his signature is indispensable, and that these transfers being suspended some time before and after quarter day, admits an absence of 3 or 4 weeks at each of these periods."

Page was accordingly appointed to this office, but his ill-health made even its duties hard to him, and Jefferson presently wrote him.

"MONTICELLO, Sep. 6, '08.

"MY DEAR FRIEND,—'In the midst of life, we are in death,' so has said some great moralist, and so says truth even for the young: and how much rather for us who have closed our thirteenth lustre! I have, moreover, heard that you have been particularly afflicted by want of health latterly, insomuch as to make it probable the indispensable attentions to your office are burthensome to you. Would it be a relief to transfer the office to your son Francis for your use with an understanding thut it should afterwards continue with him for the benefit of the family? Or would you rather retain it in your own name during your life, with the probability (for we cannot be certain of what is distant) that he will succeed you for the same family benefit? Decide on this my friend, according to your own wishes, and if the execution falls within the compass of my time and powers, count upon it with the sacred confidence which your merits, my affections, and the gratitude of our country will justify. God bless you, and give you health of days. He shall do better for you."

Page continued to hold this office till his death, but he was offered another by Jefferson at one time, in the following letter.

"WASHINGTON, June 10, '07.

"MY DEAR FRIEND,—This letter is entirely confidential. I am warned by sollicitations for the post-office at Richmond, that it is likely to become vacant by the death of the present incumbent. The office you now hold will be abolished when our public debt shall be discharged. In consideration of this circumstance, of the comparative emoluments and labor and confinement of the two offices, will you make up your mind whether you would prefer being transferred to the other place, and be so good as to inform me of your choice as soon as you can have decided on it. It will be desirable to me to cut short applications by filling the place the moment I know it is vacant. Present me respectfully to Mrs. Page, and with the assurance of my constant attachment and respect, accept my friendly salutations."

sary caution against trusting the merchants beyond the time of their bonds so as to make yourself responsible. Mr. Gallatin says the office at Norfolk is not near so profitable as that of Petersburg.

TO THE U. S. MINISTER TO FRANCE. J. MSS.

(ROBERT R. LIVINGSTON.)

WASHINGTON, Mar. 16, 1802.

DEAR SIR—Your favor of Dec. 26, was received the 5th inst. and one of a later date to the Secretary of state has been communicated to me. The present is intended as a commentary on my letter to you of Aug. 28. When I wrote that letter I did not harbor a doubt that the disposition on that side the water was as cordial, as I knew ours to be. I thought it important that the agents between us should be such as both parties would be willing to open themselves to freely. I ought to have expressed in that letter the distinction between the two characters therein named, which really existed in my mind. Of one of them I thought nothing good. As to the other (whom you mention to be the real one contemplated) I considered him well disposed to this country, but not towards its political principles. I had confidence in him to a certain extent; but that confidence had limits. I thought a slight hint of this might have had some effect on the choice of an agent. But the dispositions now understood to exist there, impose of themselves limits to the openness of our communications, and bring us within the extent of that reposed in the agent under consideration. Consequently it is adequate to all the purposes for which it will be used. I wish you therefore not only to suggest nothing against his mission, but on the contrary to impress him that it will be agreeable, and even desirable, which is the truth. For I firmly believe him well disposed to preserve amity between that country and this. Tho' clouds may occasionally obscure the horizon between us yet there is a fund of friendship and attachment between the mass of the two nations

which will always in time dispel those nebulosities. The present administration of this country have these feelings of their constituents, and will be true to them. We shall act steadily on the desire of cementing our interests and affections; and of this you cannot go too far in assuring them. In every event we will receive with satisfaction any missionary they chuse to send. Not being very sure of the channel of conveyance for this letter, I have explained the former one so that you will understand it: and reserve myself on other subjects to some future occasion. Accept assurances of my high esteem & consideration.

TO THE ATTORNEY GENERAL. J. MSS.

(LEVI LINCOLN.)

Mar. 24, 1802.

I had no conception there were persons enough to support a paper whose stomachs could bear such aliment as the enclosed papers contain. They are far beyond even the Washington Federalist. To punish however is impracticable until the body of the people, from whom juries are to be taken, get their minds to rights; and even then I doubt its expediency. While a full range is proper for actions by individuals, either private or public, for slanders affecting them, I would wish much to see the experiment tried of getting along without public prosecutions for *libels*. I believe we can do it. Patience and well doing, instead of punishment, if it can be found sufficiently efficacious, would be a happy change in the instruments of government.

Health & affectionate salutations.

TO THE SECRETARY OF THE TREASURY. J.MSS.

(ALBERT GALLATIN.)

WASHINGTON, Apl. 1, 1802.

DEAR SIR,—I have read and considered your report on the operations of the sinking fund, and entirely approve of it, as the best plan on which we can set out. I think it an object of great

importance, to be kept in view and to be undertaken at a fit season, to simplify our system of finance, and bring it within the comprehension of every member of Congress. Hamilton set out on a different plan. In order that he might have the entire government of his machine, he determined so to complicate it as that neither the President or Congress should be able to understand it, or to control him. He succeeded in doing this, not only beyond their reach, but so that he at length could not unravel it himself. He gave to the debt, in the first instance, in funding it, the most artificial and mysterious form he could devise. He then moulded up his appropriations of a number of scraps & remnants, many of which were nothing at all, and applied them to different objects in reversion and remainder, until the whole system was involved in impenetrable fog ; and while he was giving himself the airs of providing for the payment of the debt, he left himself free to add to it continually, as he did in fact, instead of paying it. I like your idea of kneading all his little scraps & fragments into one batch, and adding to it a complementary sum, which, while it forms it into a single mass from which everything is to be paid, will enable us, should a breach of appropriation ever be charged on us, to prove that the sum appropriated, & more, has been applied to its specific object.

But there is a point beyond this on which I should wish to keep my eye, and to which I should aim to approach by every tack which previous arrangements force upon us. That is, to form into one consolidated mass all the moneys received into the treasury, and to the several expenditures, giving them a preference of payment according to the order in which they should be arranged. As for example. 1. The interest of the public debt. 2. Such portion of principal as are exigible. 3. The expenses of government. 4. Such other portions of principal as, thou' not exigible, we are still free to pay when we please. The last object might be made to take up the residuum of money remaining in the treasury at the end of every year, after the three first objects were complied with, and would be the barometer whereby to test the economy of the administration. It would furnish a simple measure by which every one could mete their merit, and by which every one could decide when taxes were deficient or

superabundant. If to this can be added a simplification of the form of accounts in the treasury department, and in the organization of its officers, so as to bring everything to a single centre, we might hope to see the finances of the Union as clear and intelligible as a merchant's books, so that every member of Congress, and every man of any mind in the Union, should be able to comprehend them, to investigate abuses, and consequently to control them. Our predecessors have endeavored by intricacies of system, and shuffling the investigator over from one officer to another, to cover everything from detection. I hope we shall go in the contrary direction, and that by your honest and judicious reformations, we may be able, within the limits of our time, to bring things back to that simple & intelligible system on which they should have been organized at first.

I have suggested only a single alteration in the report, which is merely verbal & of no consequence. We shall now get rid of the commissioner of the internal revenue, & superintendent of stamps. It remains to amalgamate the comptroller & auditor into one, and reduce the register to a clerk of accounts ; and then the organization will consist, as it should at first, of a keeper of money, a keeper of accounts, & the head of the department. This constellation of great men in the treasury department was of a piece with the rest of Hamilton's plans. He took his own stand as a Lieutenant General, surrounded by his Major Generals, and stationing his Brigadiers & Colonels under the name of Supervisors, Inspectors, &c., in the different States. Let us deserve well of our country by making their interests the end of all our plans, and not our own pomp, patronage and irresponsibility. I have hazarded these hasty & crude ideas, which occurred on contemplating your report. They may be the subject of future conversation and correction. Accept my affectionate salutations.

TO WILLIAM BRANCH GILES. J. MSS.

Apr. 6, 1802.

I enclose you an extract of a letter from Mr. Brown to Mr. Lincoln under whom acting as Secretary of

State and Genl. Smith acting voluntarily for the department of secretary of the navy, but without appointment or reward, the latter part of what respected the Berceau was conducted. The other letter of Brown's which I mentioned relates merely to the details of the repairs.

The question whether the Berceau was to be delivered up under the treaty was of executive cognizance entirely and without appeal. So was the question as to the condition in which she should be delivered. And it is as much an invasion of its independence for a coordinate branch to call for the reasons of the decision, as it would be to call on the Supreme Court for its reasons on any judiciary decision. If an appropriation were asked, the legislature would have a right to ask reasons. But in this case they had confided an appropriation (for naval contingencies) to the discretion of the Executive. Under this appropriation our predecessors *bought* the vessel (for there was no order of congress authorizing them to buy) and began her repairs: we completed them. I will not say that a very gross abuse of discretion in a past appropriation would not furnish ground to the legislature to take notice of it. In what form is not now necessary to decide. But so far from a gross abuse, the decision in this case was correct, honorable, and advantageous to the nation. I cannot see to what legitimate objects any resolution of the House on the subject can lead: and if one is passed on ground not legitimate, our duty will be to resist it. These gentlemen wish to abuse the liberality of the majority by harrassing the Executive with

malicious inquiries, and sewing tares among their enemies. So far they ought not to be indulged. They wish also to create occasions for evacuation of their ill humor. They have no doubt had the evacuation. But after indulging them with that, to give them any sanction by a vote of the House yielding to their demands, is to give color to all the calumnies they have before uttered against the Executive. Be so good as to return me the enclosed paper when you shall have made your uses of it.

TO THE U. S. MINISTER TO FRANCE. J. MSS.

(ROBERT R. LIVINGSTON.)

WASHINGTON, Apr. 18, 1802.

DEAR SIR—A favorable and a confidential opportunity offering by Mr. Dupont de Nemours, who is revisiting his native country gives me an opportunity of sending you a cipher to be used between us, which will give you some trouble to understand, but, once understood, is the easiest to use, the most indecipherable, and varied by a new key with the greatest facility of any one I have ever known. I am in hopes the explanation inclosed will be sufficient. Let our key of letters be [*some figures which are illegible*] and the key of lines be [*figures illegible*] and lest we should happen to lose our key or be absent from it, it is so formed as to be kept in the memory and put upon paper at pleasure; being produced by writing our names and residences at full length, each of which containing 27 letters is divided into two parts of 9. letters each; and each of the 9. letters is then numbered according to the place it would hold if the 9. were arranged alphabetically, thus [*so blotted as to be illegible*]. The numbers over the letters being then arranged as the letters to which they belong stand in our names, we can always construct our key. But why a cipher between us, when official things go naturally to the Secretary of

State, and things not political need no cipher. 1. matters of a public nature, and proper to go on our records, should go to the secretary of state. 2. matters of a public nature not proper to be placed on our records may still go to the secretary of state, headed by the word 'private.' But 3. there may be matters merely personal to ourselves, and which require the cover of a cipher more than those of any other character. This last purpose and others which we cannot foresee may render it convenient and advantageous to have at hand a mask for whatever may need it. But writing by Mr. Dupont I need no cipher. I require from him to put this into your own and no other hand, let the delay occasioned by that be what it will.

The session of Louisiana and the Floridas by Spain to France works most sorely on the U. S. On this subject the Secretary of State has written to you fully. Yet I cannot forbear recurring to it personally, so deep is the impression it makes in my mind. It compleatly reverses all the political relations of the U. S. and will form a new epoch in our political course. Of all nations of any consideration France is the one which hitherto has offered the fewest points on which we could have any conflict of right, and the most points of a communion of interests. From these causes we have ever looked to her as our *natural friend*, as one with which we never could have an occasion of difference. Her growth therefore we viewed as our own, her misfortunes ours. There is on the globe one single spot, the possessor of which is our natural and habitual enemy. It is New Orleans, through which the produce of three-eighths of our territory must pass to market, and from its fertility it will ere long yield more than half of our whole produce and contain more than half our inhabitants. France placing herself in that door assumes to us the attitude of defiance. Spain might have retained it quietly for years. Her pacific dispositions, her feeble state, would induce her to increase our facilities there, so that her possession of the place would be hardly felt by us, and it would not perhaps be very long before some circumstance might arise which might make the cession of it to us the price of something of more worth to her. Not so can it ever be in the hands of France. The impetuosity of her temper, the energy and restlessness of her character, placed in a point

of eternal friction with us, and our character, which though quiet, and loving peace and the pursuit of wealth, is high-minded, despising wealth in competition with insult or injury, enterprising and energetic as any nation on earth, these circumstances render it impossible that France and the U. S. can continue long friends when they meet in so irritable a position. They as well as we must be blind if they do not see this; and we must be very improvident if we do not begin to make arrangements on that hypothesis. The day that France takes possession of N. Orleans fixes the sentence which is to restrain her forever within her low water mark. It seals the union of two nations who in conjunction can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the British fleet and nation. We must turn all our attentions to a maritime force, for which our resources place us on very high grounds: and having formed and cemented together a power which may render reinforcement of her settlements here impossible to France, make the first cannon, which shall be fired in Europe the signal for tearing up any settlement she may have made, and for holding the two continents of America in sequestration for the common purposes of the united British and American nations. This is not a state of things we seek or desire. It is one which this measure, if adopted by France, forces on us, as necessarily as any other cause, by the laws of nature, brings on its necessary effect. It is not from a fear of France that we deprecate this measure proposed by her. For however greater her force is than ours compared in the abstract, it is nothing in comparison of ours when to be exerted on our soil. But it is from a sincere love of peace, and a firm persuasion that bound to France by the interests and the strong sympathies still existing in the minds of our citizens, and holding relative positions which ensure their continuance we are secure of a long course of peace. Whereas the change of friends, which will be rendered necessary if France changes that position, embarks us necessarily as a belligerent power in the first war of Europe. In that case France will have held possession of New Orleans during the interval of a peace, long or short, at the end of which it will be wrested from her. Will this short-lived possession have been an equivalent to her for the transfer of such a

weight into the scale of her enemy? Will not the amalgamation of a young, thriving, nation continue to that enemy the health and force which are at present so evidently on the decline? And will a few years possession of N. Orleans add equally to the strength of France? She may say she needs Louisiana for the supply of her West Indies. She does not need it in time of peace. And in war she could not depend on them because they would be so easily intercepted. I should suppose that all these considerations might in some proper form be brought into view of the government of France. That stated by us, it ought not to give offence; because we do not bring them forward as a menace, but as consequences not controulable by us, but inevitable from the course of things. We mention them not as things which we desire, by any means, but as things we deprecate; and we beseech a friend to look forward and to prevent them for our common interests.

If France considers Louisiana however as indispensable for her views she might perhaps be willing to look about for arrangements which might reconcile it to our interests. If anything could do this it would be the ceding to us the island of New Orleans and the Floridas. This would certainly in a great degree remove the causes of jarring and irritation between us, and perhaps for such a length of time as might produce other means of making the measure permanently conciliatory to our interests and friendships. It would at any rate relieve us from the necessity of taking immediate measures for counterwailing such an operation, or arrangements in another quarter. Still we should consider N. Orleans and the Floridas as equivalent for the risk of a quarrel with France produced by her vicinage. I have no doubt you have urged these considerations on every proper occasion with the government where you are. They are such as must have effect if you can find the means of producing thorough reflection on them by that government. The idea here is that the troops sent to St. Domingo were to proceed to Louisiana after finishing their work in that island. If this were the arrangement, it will give you time to return again and again to the charge, for the conquest of St. Domingo will not be a short work. It will take considerable time to wear down a great number of souldiers.

Every eye in the U. S. is now fixed on this affair of Louisiana. Perhaps nothing since the revolutionary war has produced more uneasy sensations through the body of the nation. Notwithstanding temporary bickerings have taken place with France, she has still a strong hold on the affections of our citizens generally. I have thought it not amiss, by way of supplement to the letters of the Secretary of State to write you this private one to impress you with the importance we affix to this transaction. I pray you to cherish Dupont. He has the best dispositions for the continuance of friendship between the two nations, and perhaps you may be able to make a good use of him. Accept assurances of my affectionate esteem and high consideration.

TO CÆSAR A. RODNEY. J. MSS.

WASHINGTON, Apr. 24, 1802.

DEAR SIR,—I have yet to acknowledge your favor of Mar. 15. Recd the 25th. I had hoped that the proceedings of this session of Congress would have rallied the great body of our citizens at once to one opinion. But the inveteracy of their quondam leaders have been able by intermingling the grossest lies and misrepresentations to check the effect in some small degree until they shall be exposed. The great sources and authors of these are in Congress. Besides the slanders in their speeches, such letters have been written to their constituents as I shall forbear to qualify by the proper terms. I am glad to observe that you have been properly struck with these things: and that you confide in the progress of republicanism notwithstanding them. The vote for your governor shews the majority of your state was then republican, and I cannot but believe it will increase. I am

told you are the only person who can unite the greatest portion of the republican votes, and the only one perhaps who can procure the dismission of your present representative to that obscurity of situation where his temper and principles may be disarmed of all effect. You are, then, my dear sir, bound to do this good office to the rest of America. You owe to your state to make her useful to her friends, instead of being an embarrassment and a burthen. Her long speeches and wicked workings at this session have added at least 30. days to its length, cost us 30,000 D. and filled the union with falsehoods and misrepresentations. Relieve us then, my dear sir, from this hostile procedure by undertaking that office which your fellow-citizens will gladly confide to your truth, candor and republicanism. A man standing under such circumstances owes himself to his country, because they can find no other in whom they can all agree to have confidence. Be so good as to answer me on this point and to be assured of my affectionate esteem & respect.

TO JOEL BARLOW.[1]

WASHINGTON, May 3, 1802.

DEAR SIR,—I have doubted whether to write to you, because yours of Aug. 25, received only March 27, gives me reason to expect you are now on the ocean. However, as I know voyages so important are often delayed, I shall venture a line with Mr.

[1] From the *Historical Magazine*, v., 89.

Dupont de Nemours. The Legislature rises this day. They have carried into execution steadily almost all the propositions submitted to them in my message at the opening of the session. Some few are laid over for want of time. The most material of which is the militia, the plan of which they cannot easily modify to the general approbation. Our majority in the House of Representatives has been about two to one—in the Senate, eighteen to fourteen. After another election it will be two to one in the Senate, and it would not be for the public good to have it greater, a respectable minority is useful as censors. The present one is not respectable; being the bitterest cup of the remains of Federalism rendered desperate and furious by despair. A small check in the tide of republicanism in Massachusetts, which has showed itself very unexpectedly at the late election, is not accounted for. Everywhere else we are becoming one. In Rhode Island the late election gave us two to one through the whole state. Vermont is decidedly with us. It is said and believed that New Hampshire has got a majority of republicans now in its Legislature; and wanted a few hundreds only of turning out their federal governor. He goes assuredly the next trial. Connecticut is supposed to have gained for us about fifteen or twenty per cent, since her last election; but the exact issue is not yet known here. Nor is it certainly known how we shall stand in the House of Representatives of Massachusetts. In the Senate there, we have lost ground. The candid federalists acknowledged that

their party can never more raise its head. The operations of this session of Congress, when known among the people at large, will consolidate them. We shall now be so strong that we shall certainly split again; for freemen thinking differently and speaking and acting as they think, will form into classes of sentiment, but it must be under another name, that of federalism is to become so scouted that no party can rise under it. As the division between whig and tory is founded in the nature of men, the weakly and nerveless, the rich and the corrupt seeing more safety and accessibility in a strong executive; the healthy, firm and virtuous feeling confidence in their physical and moral resources, and willing to part with only so much power as is necessary for their good government, and therefore to retain the rest in the hands of the many, the division will substantially be into whig and tory, as in England, formerly. As yet no symptoms show themselves, nor will till after election.

I am extremely happy to learn that you are so much at your ease that you can devote the rest of your life to the information of others. The choice of a place of residence is material. I do not think you can do better than to fix here for a while, until you become Americanized and understand the map of the country. This may be considered as a pleasant country-residence, with a number of neat little villages scattered around within the distance of a mile and a half, and furnishing a plain and substantially good society. They have begun their buildings in about four or

five different points, at each of which there are buildings enough to be considered as a village. The whole population is about six thousand. Mr. Madison and myself have cut out a piece of work for you, which is to write the history of the United States, from the close of the War downwards. We are rich ourselves in materials, and can open all the public archives to you; but your residence here is essential, because a great deal of the knowledge of things is not on paper, but only within ourselves for verbal communication. John Marshall is writing the life of Gen. Washington from his papers. It is intended to come out just in time to influence the next presidential election. It is written therefore principally with a view to electioneering purposes; but it will consequently be out in time to aid you with information as well as to point out the perversions of truth necessary to be rectified. Think of this, and agree to it, and be assured of my high esteem and attachment.

P. S. There is a most lovely seat adjoining this city on a hill commanding a most extensive view of the Potomac. On it there is a superb house, gardens &c., with thirty or forty acres of ground. It will be sold under circumstances of distress, and will probably go for half of what it cost. It was built by Gustavus Mott, who is dead, bankrupt, &c.

TO CHARLES WILLSON PEALE. J. MSS.

WASHINGTON, May 5, 1802.

DEAR SIR,—I am this moment setting out on a short visit to Monticello, but a thought coming into

my head which may be useful to your son who is carrying the mamoth to Europe, I take time to hint it to you. My knowledge of the scene he will be on enables me to suggest what might not occur to him a stranger. When in a great city, he will find persons of every degree of wealth. To jumble these all into a room together I know from experience is very painful to the decent part of them, who would be glad to see a thing often, and would not regard paying every time, but that they revolt at being next with pick-pockets, chimney sweeps &c. Set three different divisions of the day at three different prices, selecting for the highest when the beau monde can most conveniently attend; the 2d price when merchants and respectable citizens have most leisure, and the residue for the lower description. A few attending at the highest price will countervail many of the lowest, and be more agreeable to themselves and to him. I hope and believe you will make a fortune by the exhibition of that one, and that when tired of showing it you may sell it there for another fortune. Nobody wishes it more sincerely than I do. Accept my assurances of this and of my great esteem.

TO THE GOVERNOR OF VIRGINIA. J. MSS.

(JAMES MONROE.)

WASHINGTON, June 2, 1802.

DEAR SIR,—I observe that the resolution of the legislature of Virginia of Jan. 23 in desiring us to look out for some proper place to which insurgent negroes may be sent, expresses a preference of the continent of Africa, or some of the Spanish or Portu-

guese settlements in S. America: in which preference, and especially as to the former, I entirely concur. On looking towards Africa for our objects the British establishments at Sierra Leone at once presents itself. You know that that establishment was undertaken by a private company and was first suggested by the suffering state of the blacks, who were carried over to England during the revolutionary war, and who were perishing [*illegible*] and misery in the streets of London. A number of benevolent persons subscribed for the establishment of a company who might carry these people to the coast of Africa, and there employ them usefully for themselves, and indemnify the company by commercial operations: Sierre Leone was fixed on as the place, the blacks then in England were carried thither, and a vessel or vessels sent to Nova Scotia which carried to the same place the blacks who had gone to that country. The settlement is consequently composed of negroes formerly inhabitants of the southern states of our union. Having asked a conversation on this subject with Mr. Thornton the British charges des affaires here, he informs me the establishment is prosperous, and he thinks there will be no objection on the part of the company to receive blacks from us, not of the character of common felons, but guilty of insurgency only, provided they are sent as free persons, the principles of their institution admitting no slavery among them. I propose therefore, if it meets your approbation, to write to Mr. King our minister in London to propose this matter to the Sierre Leone company who are resident in London; and if leave can be obtained to send black insurgents there, to inquire further whether the regulations of the place would permit us to carry or take there any mercantile objects which by affording some commercial profit, might defray the expenses of the transportation. As soon as I can be favored with your sentiments on this proposition and your approbation of it I will write to Mr. King that we may have the matter finally arranged. Should any mercantile operation be permitted to be combined with the transportation of these persons, so as to lessen or to pay the expense, it might then become eligible to make that the asylum for the other description also, to wit, the freed slaves and persons of color. If not permitted, so distant a colonization of them would perhaps be thought too expensive.

But while we are ascertaining this point, we may be making inquiry what other suitable places may be found in the West Indies, or the southern continent of America, so as to have some other resource provided if the one most desirable should be unattainable. In looking out for another place we should prefer placing them with whatever power is least likely to become an enemy, and to use the knowledge of these exiles in predatory expeditions against us. Portugal and Holland would be of this character. But I wish to have your sentiments on both branches of the subject before I commit it by any actual step. Accept assurances of my affectionate and high esteem & respect.

TO CÆSAR A. RODNEY. J. MSS.

WASHINGTON, June 14, 1802.

DEAR SIR,—I am later in acknowledging the receipt of your favor of May 16 because it found me at Monticello just on my departure from that place. Since my arrival here I have been in the constant hope of seeing Mr. Beckley and endeavoring to procure from his office a copy of the journals of the H. of Rep. for you. I do not know that they can be had any where else. His confinement by the remains of a fit of the gout has hitherto prevented my object, but I shall keep it in view. I have received two addresses from meetings of democratic republicans at Dover, praying the removal of Allen McLane. One of them was forwarded by Govr. Hall. The grounds are stated so generally that I cannot judge from thence whether he has done anything deserving removal since his former trial and acquittal, certainly nothing beyond that should be brought up a second time. I write this to you confidentially and ask the

favor of you to explain to me the real foundation of these applications. If he has been active in electioneering in favor of those who wish to subvert the present order of things, it would be a serious circumstance. I do not mean as to giving his personal vote, in which he ought not to be controuled; but as to using his influence (which necessarily includes his official influence) to sway the votes of others. I withold answering these applications till I hear from you, and may do it on ground which will not fail me. I hope you are fixed on as the republican candidate at the ensuing election for Congress. Accept assurances of my great esteem and respect.[1]

P. S. Will you also be so good as to recommend

[1] On this matter of McLane Jefferson further wrote to Rodney.

"WASHINGTON June 24, 1802.

"DEAR SIR,—Your favor of the 19th and 21st was received last night. The contents of it shall be inviolably kept to myself. I shall advise with my constitutional counsellors on the application relative to Mr. McLane. Some considerations occur at once. That a trial and acquittal, where both parties are fully heard, should be deemed conclusive; that on any subsequent complaint it cannot be regular to look to anything farther back than the trial: that to do this would expose us to a charge of inconsistency which would do great injury to the republican cause; that he could not be removed only on the principle of a general removal of all federalists, a principle never yet avowed by anyone: that nothing short of this would reach him because his acquittal puts him on better ground than others. There may be considerations however opposed to these, and they shall have their weight. I do not see anything charged in the papers subsequent to his former trial. Electioneering activity subsequent to that would be deemed serious. But I presume he is passive in that way. Of those who may justly claim attention in the appointment of offices, could not the places of commissioners of bankruptcy be of some avail? I have never seen, nor before heard of the piece called Love and Madness in which you mention Logan's speech to be inserted. And should be glad to see it if you have the book. We shall leave this the 22nd of July to pass the two

to me 4. commissioners of bankruptcy for Wilmington and Newcastle. Two should be lawyers and two merchants, all republicans. If one resides in Newcastle and three in Wilmington it would be desirable: but this circumstance must yield to respectability of character, which is essential.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

June 19, 1802.

With respect to the bank of Penna, their difficulties proceed from excessive discounts. The 3,000,000 D. due to them comprehend doubtless all the desperate debts accumulated since their institution. Their buildings should only be counted at the value of the naked ground belonging to them; because, if brought to

sickly months of Aug. & Sept. somewhere off of the tide waters; myself at Monticello of course. I mention this because you speak of being here in August, and I should regret my absence. I wish your visit could rather be immediate: and with the present rapidity of the stage, a flying trip from Wilmington to this place is nothing. Accept assurances of my great esteem and respect."

Jefferson also wrote to Governor Hall:

"WASHINGTON, July 6, 1802.

"* * * When I first came into the administration complaints were exhibited against Col. McLane, and an inquiry immediately directed to be made into his conduct. Every opportunity, which could be desired, was given on both sides to the producing of testimony, and on a very full investigation he was finally acquitted. He had a right to consider that acquittal as a bar to everything anterior; and certainly according to sound principles it must be so considered. I am persuaded that the republican citizens who have concurred in these addresses would be as incapable of wishing me to do anything which should bring a just censure on the administration, as I should be from yielding to such a wish. We have no interests nor passions different from those of our fellow citizens. We have the same object, the success of representative government. Nor are we acting for ourselves alone, but for the whole human race. The event of our experiment is to shew whether man can be trusted with self-government. The eyes of suffering humanity are fixed on us with anxiety as

market, they are worth to private builders no more than their materials, which are known by experience to be worth no more than the cost of pulling down and removing them. Their situation then is

They owe		2,200,000
They have of good money	710,000	
	250,000	
Ground worth perhaps	5,000	965,000
		1,235,000

To pay which 1,235,000, they depend on 3,000,000 of debts due to them, the amount of which shows they are of long standing, a part desperate, a part not commandable. In this situation it does not seem safe to deposit public money with them, and the effect would only be to enable them to nourish their disease by continuing their excessive discounts, the checking of which is the only means of saving themselves from bankruptcy. The getting them to pay the Dutch debt, is but a deposit in another tho' a safer form. If we can with propriety recommend indulgence to

their only hope, and on such a theatre for such a cause we must suppress all smaller passions and local considerations. The leaders of federalism say that man can not be trusted with his own government. We must do no act which shall replace them in the direction of the experiment. We must not by any departure from principle, disgust the mass of our fellow citizens who have confided to us this interesting cause. If, since the date of the acquittal, Col. McLane has done any new act inconsistent with his duty as an officer, or as an agent of the administration, this would be legitimate ground for new inquiry, into which I should consider myself as free to enter. A particular fact of this kind is charged in the addresses, but only that he is disagreeable to the citizens of the place. This would be among the proper considerations on the appointment of an office, and ought, before appointment to have weight. But after many years possession of an office, and an exact discharge of its duties, a discharge for this reason would not be approved by those beyond the pale of his unpopularity.

"Our opponents are so disposed to make a malignant use of whatever comes from me, to torture every word into meanings never meant in order to [*illegible*] their own passions and principles, that I must ask the favor of you to communicate verbally the sentiments of this letter to those who forwarded their addresses through you, not permitting the letter or any copy to go out of your hands. I pray you to accept assurances of my high consideration and respect."

the bank of the U S, it would be attended with the least danger to us of any of the measures suggested, but it is in fact asking that bank to lend to the one of Pennsylvania, that they may be enabled to continue lending to others. The monopoly of a single bank is certainly an evil. The multiplication of them was intended to cure it; but it multiplied an influence of the same character with the first, and compleated the supplanting the precious metals by a paper circulation. Between such parties the less we meddle the better.

TO DOCTOR JOSEPH PRIESTLEY. J. MSS.

Washington, June 19, 1802.

DEAR SIR,—Your favor of the 12th has been duly received, and with that pleasure which the approbation of the good & the wise must ever give. The sentiments it expresses are far beyond my merits or pretensions; they are precious testimonies to me however, that my sincere desire to do what is right & just is viewed with candor. That it should be handed to the world under the authority of your name is securing it's credit with posterity. In the great work which has been effected in America, no individual has a right to take any great share to himself. Our people in a body are wise, because they are under the unrestrained and unperverted operation of their own understandings. Those whom they have assigned to the direction of their affairs, have stood with a pretty even front. If any one of them was withdrawn, many others entirely equal, have been ready to fill his place with as good abilities. A nation, composed of such materials, and free in all it's members from distressing wants, furnishes hopeful implements for the interesting experiment of self-government; and we feel

that we are acting under obligations not confined to the limits of our own society. It is impossible not to be sensible that we are acting for all mankind; that circumstances denied to others, but indulged to us, have imposed on us the duty of proving what is the degree of freedom and self-government in which a society may venture to leave it's indiviual members. One passage, in the paper you enclosed to me, must be corrected. It is the following, "and all say it was yourself more than any other individual, that planned & established it," *i. e.* the Constitution. I was in Europe when the Constitution was planned, & established, & never saw it until after it was established. On receiving it I wrote strongly to Mr. Madison, urging the want of provision for the freedom of religion, freedom of the press, trial by jury, habeas corpus, the substitution of militia for a standing army, and an express reservation to the States of all rights not specifically granted to the Union. He accordingly moved in the first session of Congress for these amendments, which were agreed to & ratified by the States as they now stand. This is all the hand I had in what related to the Constitution. Our predecessors made it doubtful how far even these were of any value; for the very law which endangered your personal safety, as well as that which restrained the freedom of the press, were gross violations of them. However, it is still certain that tho' written constitutions may be violated in moments of passion or delusion, yet they furnish a text to which those who are watchful may again rally

& recall the people; they fix too for the people the principles of their political creed. We shall all absent ourselves from this place during the sickly season; say from about the 22d of July to the last of September. Should your curiosity lead you hither either before or after that interval, I shall be very happy to receive you, and shall claim you as my guest. I wish the advantages of a mild over a winter climate had been tried for you before you were located where you are. I have ever considered this as a public as well as personal misfortune. The choice you made of our country for your asylum was honorable to it; and I lament that for the sake of your happiness and health it's most benign climates were not selected. Certainly it is a truth that climate is one of the sources of the greatest sensual enjoyment. I received in due time the letter of Apr 10 referred to in your last, with the pamphlet it enclosed, which I read with the pleasure I do everything from you. Accept assurances of my highest veneration and respect.

TO JOHN LANGDON. J. MSS.

WASHINGTON, June 29, 1802.

DEAR SIR,—Your's of the 19th was received last night. That of May 14. had arrived while I was on a short trip to Monticello from whence I returned on the 30th ult. Commissioners of bankruptcy made up from yours and some other recommendations were appointed on the 14th inst. And no doubt were received a few days after the date of your last.

Nicholas Gilman, John Goddard, Henry S. Langdon and John McClintock were named. The three last were in your recommendation. Although we have not yet got a majority into the fold of republicanism in your state, yet one long pull more will affect it. We can hardly doubt that one twelve month more will give an executive and legislature in that state whose opinions may harmonize with their sister states. Unless it be true as is sometimes said that N. H. is but a satellite of Massachusetts. In this last state the public sentiment seems to be under some influence additional to that of the clergy and lawyers. I suspect there must be a leven of state pride at seeing itself deserted by the public opinion, and that their late popular song of "Rule New England" betrays one principle of their present variance from the union. But I am in hopes they will in time discover that the shortest road to rule is to join the majority. Adieu and accept assurances of my sincere affection & respect.

TO THE U. S. MINISTER TO GREAT BRITAIN. J. MSS.

(RUFUS KING.)

WASHINGTON, July 13, 1802.

DEAR SIR,—The course of things in the neighbouring islands of the West Indies appears to have given a considerable impulse to the minds of the slaves in different parts of the U. S. A great disposition to insurgency has manifested itself among them, which, in one instance, in the state of Virginia, broke out into actual insurrection. This was easily suppressed: but many of those concerned, (between 20. and 30. I believe) fell victims to the law. So extensive an execution could not but excite sensibility in the

public mind, and beget a regret that the laws had not provided, for such cases, some alternative, combining more mildness with equal efficacy. The legislature of the state, at a subsequent meeting, took the subject into consideration, and have communicated to me through the governor of the state, their wish that some place could be provided, out of the limits of the U. S. to which slaves guilty of insurgency might be transported ; and they have particularly looked to Africa as offering the most desirable receptacle. We might for this purpose, enter into negociations with the natives, on some part of the coast, to obtain a settlement. and, by establishing an African company, combine with it commercial operations, which might not only reimburse expenses but procure profit also. But there being already such an establishment on that coast by the English Sierre Leone Company, made for the express purpose of colonizing civilized blacks to that country, it would seem better, by incorporating our emigrants with theirs, to make one strong rather than two weak colonies. This would be the more desirable because the blacks settled at Sierre Leone, having chiefly gone from these states would often receive among those we should send, their acquaintances and relations. The object of this letter, therefore, is to ask the favor of you to enter into conference with such persons private and public as would be necessary to give us permission to send thither the persons under contemplation. It is material to observe that they are not felons, or common malefactors, but persons guilty of what the safety of society, under actual circumstances, obliges us to treat as a crime, but which their feelings may represent in a far different shape. They are such as will be a valuable acquisition to the settlement already existing there, and well calculated to cooperate in the plan of civilization.

As the expense of so distant a transportation would be very heavy, and might weigh unfavorable in deciding between the modes of punishment, it is very desirable that it should be lessened as much as is practicable. If the regulations of the place would permit these emigrants to dispose of themselves, as the Germans and others do who come to this country poor, by giving their labor for a certain term to some one who will pay their passage ; and if the master of the vessel could be permitted to carry articles

of commerce from this country and take back others from that which might yield him a mercantile profit sufficient to cover the expenses of the voyage, a serious difficulty would be removed. I will ask your attention therefore to arrangements necessary for this purpose.

The consequences of permitting emancipations to become extensive, unless a condition of emigration be annexed to them, furnish also matter of solicitude to the legislature of Virginia, as you will perceive by their resolution inclosed to you. Although provision for the settlement of emancipated negroes might perhaps be obtainable nearer home than Africa, yet it is desirable that we should be free to expatriate this description of people also to the colony of Sierre Leone, if considerations respecting either themselves or us should render it more expedient. I pray you therefore to get the same commission extended to the reception of these as well as those first mentioned. Nor will there be a selection of bad subjects ; the emancipations for the most part being either of the whole slaves of the master, or of such individuals as have particularly deserved well. The latter is most frequent.

The request of the legislature of Virginia having produced to me this occasion of addressing you I avail myself of it to assure you of my perfect satisfaction with the manner in which you have conducted the several matters confided to you by us ; and to express my hope that through your agency we may be able to remove everything inauspicious to a cordial friendship between this country and the one in which you are stationed : a friendship dictated by too many considerations not to be felt by the wise and the dispassionate of both nations. It is therefore with the sincerest pleasure I have observed on the part of the British government various manifestations of just and friendly disposition towards us.[1]

[1] In the draft the following paragraph is stricken out.

"These seeds are not sown in barren ground. I have too high an opinion of the understanding of those at the helm of British affairs to suppose they judge of the dispositions of this administration from the miserable trash of the public papers : and I trust they have more respect for our understandings than to suppose we are gallomen or anglomen, or anything but Americans and the friends of our friends. Peace and friendship is essentially with all other nations."

We wish to cultivate peace and friendship with all nations, believing that course most conducive to the welfare of our own. It is natural that these friendships should bear some proportion to the common interests of the parties. The interesting relations between Great Britain and the U. S. are certainly of the first order; and as such are estimated, and will be faithfully cultivated by us. These sentiments have been communicated to you from time to time in the official correspondence of the secretary of state: but I have thought it might not be unacceptable to be assured that they perfectly concur with my own personal conviction, both in relation to yourself and the country in which you are. I pray you to accept assurances of my high consideration and respect.

TO JAMES MONROE. J. MSS.

WASHINGTON, July 15, 1802.

DEAR SIR,—Your favor of the 7th has been duly received. I am really mortified at the base ingratitude of Callender. It presents human nature in a hideous form. It gives me concern because I perceive that relief, which was afforded him on mere motives of charity, may be viewed under the aspect of employing him as a writer. When the political progress of Britain first appeared in this country it was in a periodical publication called the bee, where I saw it. I was speaking of it in terms of strong approbation to a friend in Philadelphia, when he asked me if I knew that the author was then in the city, a fugitive from prosecution on account of that work, and in want of employ for his subsistence. This was the first of my learning that Callender was author of the work. I considered him as a man of science fled from persecution, and assured my friend of my readiness to do whatever could serve him. It

was long after this before I saw him, probably not till 1798. He had in the mean time written a 2nd part of the political progress much inferior to the first, and his history of the U. S. In 1798, I think I was applied to by Mr Leiper to contribute to his relief. I did so. In 1799, I think S. T. Mason applied for him. I contributed again. He had by this time paid me two or three personal visits. When he fled in a panic from Philadelphia to Genl Mason's, he wrote to me that he was a fugitive, in want of employ, wished to know if he could get into a counting house, or a school in my neighborhood or in that of Richmond; that he had materials for a volume, and if he could get as much money as would buy the paper, the profit of the sale would be all his own. I availed myself of this pretext to cover a mere charity, by desiring him to consider me a subscriber for as many copies of his book as the money inclosed (50 D.) amounted to; but to send me two copies only, as the others might lie till called for. But I discouraged his coming into my neighborhood. His first writings here had fallen far short of his original political progress and the scurrilities of his subsequent ones began evidently to do mischief. As to myself no man wished more to see his pen stopped: but I considered him still as a proper object of benevolence. The succeeding year he again wanted money to buy paper for another volume. I made his letter, as before, the occasion of giving him another 50 D. He considers these as proofs of my approbation of his writings, when they were mere charities, yielded under a strong conviction that

he was injuring us by his writings. It is known to many that the sums given to him were such and even smaller than I was in the habit of giving to others in distress of the federal as well as the republican party without attention to political principles. Soon after I was elected to the government, Callender came on here wishing to be made postmaster at Richmond. I knew him to be totally unfit for it: and however ready I was to aid him with my own charities (and I then gave him 50. D.) I did not think the public offices confided to me to give away as charities. He took it in mortal offence, and from that moment has been hauling off to his former enemies the federalists. Under the letter I wrote him in answer to the one from Genl. Mason, I wrote him another containing answers to two questions he addressed to me. 1. whether Mr. Jay received salary as chief justice and envoy at the same time; and 2. something relative to the expenses of an embassy to Constantinople. I think these were the only letters I ever wrote him in answer to volumes he was perpetually writing to me. This is the true state of what has passed between him and me. I do not know that it can be used without committing me in controversy as it were with one too little respected by the public to merit that notice. I leave to your judgment what use can be made of these facts. Perhaps it will be better judged of when we see what use the tories will endeavour to make of their new friend. I shall leave this on the 21st and be at Monticello probably on the 24th or between 2. or 3. days of that, and shall hope ere long to see you

there. Accept assurances of my affectionate attachment.[1]

TO ELBRIDGE GERRY. J. MSS.

MONTICELLO, Aug. 28, 1802.

DEAR SIR,—You very justly suppose, in yours of the 9th inst., that the act of duty which removed your brother from office, was one of the most painful and unwilling which I have had to perform. Very soon after our administration was formed, the situation of

[1] On this subject Jefferson further wrote to Monroe:

WASHINGTON, July 17, 1802.

DEAR SIR,—After writing you on the 15th I turned to my letter file to see what letters I had written to Callender and found them to have been of the dates of 1798 Oct. 11. and 1799 Sept. 6. and Oct. 6. But on looking for the letters they were not in their places nor to be found. On recollection I believe I sent them to you a year or two ago. If you have them, I shall be glad to receive them at Monticello where I shall be on this day sennight. I inclose you a paper which shows the Tories mean to pervert these charities to Callender as much as they can. They will probably first represent me as the patron and support of the Prospect before us, and other things of Callender's, and then picking out all the scurrilities of the author against Genl. Washington, Mr. Adams and others impute them to me. I as well as most other republicans who were in the way of doing it, contributed what I could afford to the support of the republican papers and printers, paid sums of money for the bee, the Albany register &c. when they were staggering under the sedition law, contributed to the fines of Callender himself, of Holt, Brown and others suffering under that law. I discharged, when I came into office, such as were under the persecution of our enemies, without instituting any prosecutions in retaliation. They may therefore, with the same justice, impute to me, or to every republican contributor, everything which was ever published in those papers or by those persons. I must correct a fact in mine of the 15th. I find I did not enclose the 50 D. to Callender himself while at Genl. Mason's, but authorized the Genl. to draw on my correspondt. at Richmond and to give the money to Callender. So the other 50. D. of which he speaks were by order on my correspondt. at Richmond. Accept assurances of my affectionate esteem and respect.

his accounts was placed under the notice of the secretary of the Treasury, and consequently communicated to me. He was written to. The failure to render accounts periodically, the disagreement among those he did render, gave reason to believe he was imprudently indulging himself in the use of the public money. What were the circumstances which led him to this, was not an inquiry permitted to us. If the perquisites of his office were insufficient to support him, it was a case for the legislature not for us to remedy. Our duty was to see their will carried into execution. We could only give a little more or less time for the ratification of his proceedings, according to our hope of its being effected. Besides monitory letters which were unanswered, friends were relied on to give the necessary warning. The derangements of his accounts being known to you, and the deficiency, though ultimately to fall on you as his security, not being paid up, on which he would have been continued, was evidence to me that you probably thought that if he were relieved by such a [*faded*] on your part, he would relapse again, and that therefore you had made up your mind to let legal consequences take their course. It became then an indispensable duty to put an end to indulgences, which after being extended from quarter to quarter for nearly 18. months, gave no hope but of further deficiency. However afflicting this act of duty might be to you, I know you would see in it a proof of that justice which was the foundation of your esteem and confidence in the administration. Mr. Warren having declined accept-

ing the place, another was appointed before the receipt of your letter. Although the performance of the same officer in other cases was cutting down the foes instead of the friends of republican government, yet like the office [*illegible*] it has excited the most revolting sensations. The safety of the government absolutely required that its direction in its higher departments should be taken into friendly hands. Its safety did not even admit that the whole of its immense patronage should be left at the command of its enemies to be exercised secretly or openly to reestablish the tyrannical and delapidating system of the preceding administration, and their deleterious principles of government. Rigorous justice too required that as they had filled every office with their friends to the avowed exclusion of republicans, that the latter should be admitted to a participation of office, by the removal of some of the former. This was done to the extent of about 20. only out of some thousands, and no more was intended. But instead of their acknowledging its moderation, it has been a ground for their more active enmity. After a twelve months trial I have at length been induced to remove three or four more of those most marked for their bitterness and active zeal in slandering and in electioneering. Whether we shall proceed any further will depend on themselves. Those who are quiet, and take no part against that order of things which the public will has established, will be safe. Those who continue to clamor against it, to slander and oppose it, shall not be armed with its wealth and power for its own destruction. The

late removals have been intended merely as monitory, but such officers as shall afterwards continue to bid us defiance shall as certainly be removed, if the case shall become known. A neutral conduct is all I ever desired, and this the public have a right to expect. Our information from every quarter is that republican principles spread more and more. Indeed the body of the people may be considered as consolidated into one mass from the Delaware southwardly and westwardly. New Jersey is divided, and in New York a schism may render inefficacious what the great majority would be equal to. In your corner alone priestcraft and lawcraft are still able to throw dust into the eyes of the people. But, as the Indian says, they are clearing the dust out of their eyes there also. The republican portion will at length rise, and the sediment of monarchism be left as lees at the bottom. Accept assurances of my affectionate esteem and high consideration.

TO GIDEON GRANGER. J. MSS.

MONTICELLO, Aug. 29, 1802.

DEAR SIR,—Not knowing whether the postmasters from hence to and at Boston are all true, I inclose the within to you and ask the favor of your cover to the postmaster or any other person you can confide in at Boston to deliver it. Your favors of Aug. 23. and 24. are received. Pray forward me by post one of Mr. Bishop's new pamphlets, and let it stand in account between us till we meet. I see with sincere grief that the schism at New York is setting good

republicans by the ears, and is attacking characters which nobody doubts. It is not for me to meddle in this matter; but there can be no harm in wishing for forbearance. If the mortification arising from our division could be increased, it would be by the triumph and chucklings and fomentations of the Federalists. Accept assurances of my great esteem and respect.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

MONTICELLO, September 13, 1802.

DEAR SIR,— * * * I have always forgotten to ask of you a general idea of the effect of the peace on our revenues so far as we have gone. It is of the utmost importance, if these diminish, to diminish our expenses; this may be done in the Naval Department. I wish it were possible to increase the impost on any articles affecting the rich chiefly, to the amount of the sugar tax, so that we might relinquish that at the next session. But this must depend on our receipts keeping up. As to the tea and coffee tax, the people do not regard it. The next tax which an increase of revenue should enable us to suppress should be the salt tax, perhaps; indeed, the production of that article at home is already undermining that tax. * * *

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

MONTICELLO, Sept. 13, 1802.

DEAR SIR,—I now return you the papers which came in your letter of the 11th. I am not satisfied that the ground taken by the Chancellor Livingston is advantageous. For the French government and the Spanish have only to grant him all he asks (and they will in justice & policy do that at once) & his mouth

must be shut: because after-sought objections would come from him to great disadvantage. Whereas the true and solid objection remains in full force after they shall have the merit of granting all he asks. * * *

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

October 7, 1802.

The application of the Bank of Baltimore is of great importance. The consideration is very weighty that it is held by citizens, while the stock of the United States Bank is held in so great a proportion by foreigners. Were the Bank of the United States to swallow up the others and monopolize the whole banking business of the United States, which the demands we furnish them with tend shortly to favor, we might, on a misunderstanding with a foreign power, be immensely embarrassed by any disaffection in that bank. It is certainly for the public good to keep all the banks competitors for our favors by a judicious distribution of them, and thus to engage the individuals who belong to them in the support of the reformed order of things, or at least in an acquiescence under it. I suppose that on the condition of participating in the deposits the banks would be willing to make such communications of their operations and the state of their affairs as might satisfy the Secretary of the Treasury of their stability. It is recommended to Mr. Gallatin to leave such an opening in his answer to this letter, as to leave us free to do hereafter what shall be advisable on a broad view of all the banks in the different parts of the Union. * * *

TO THE U. S. MINISTER TO FRANCE. J. MSS.

(ROBERT R. LIVINGSTON.)

WASHINGTON, Oct. 10, 1802.

DEAR SIR,—The departure of Made Brugnard for France furnishes me a safe conveyance of a letter, which I cannot avoid embracing, altho I have nothing particular for the subject of it. It is well, however, to be able to inform you, generally, through a

safe channel, that we stand, compleately corrected of the error, that either the government or the nation of France has any remains of friendship for us. The portion of that country which forms an exception, though respectable in weight, is weak in numbers. On the contrary, it appears evident, that an unfriendly spirit prevails in the most important individuals of the government, towards us. In this state of things, we shall so take our distance between the two rival nations, as, remaining disengaged till necessity compels us, we may haul finally to the enemy of that which shall make it necessary. We see all the disadvantageous consequences of taking a side, and shall be forced into it only by a more disagreeable alternative; in which event, we must countervail the disadvantages by measures which will give us splendor & power, but not as much happiness as our present system. We wish, therefore, to remain well with France. But we see that no consequences, however ruinous to them, can secure us with certainty against the extravagance of her present rulers. I think, therefore, that while we do nothing which the first nation on earth would deem crouching, we had better give to all our communications with them a very mild, complaisant, and even friendly complexion but always independent. Ask no favors, leave small & irritating things to be conducted by the individuals interested in them, interfere ourselves but in the greatest cases, & then not push them to irritation. No matter at present existing between them & us is important enough to risk a breach of peace; peace being indeed the most important of all things to us, except the preserving an erect & independent attitude. Although I know your own judgment leads you to pursue this line identically, yet I thought it just to strengthen it by the concurrence of my own. You will have seen by our newspapers, that with the aid of a lying renegado from republicanism, the federalists have opened all their sluices of calumny. They say we lied them out of power, and openly avow they will do the same by us. But it was not lies or argument on our part which dethroned them, but their own foolish acts, sedition laws, alien laws, taxes, extravagance & heresies. Porcupine, their friend, wrote them down. Callender, their new recruit, will do the same. Every decent man among them revolts at his filth; and there cannot be a doubt, that were a Presidential

election to come on this day, they would have but three New England States, and about half a dozen votes from Maryland & North Carolina; these two States electing by districts. Were all the States to elect by a general ticket, they would have but 3 out of 16 States. And these 3 are coming up slowly. We do, indeed, consider Jersey & Delaware as rather doubtful. Elections which have lately taken place there, but their event not yet known here, will show the present point of their varying condition.

My letters to you being merely private, I leave all details of business to their official channel.

Accept assurances of my constant friendship and high respect.

P. S. We have received your letter announcing the arrival of M. Dupont.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

Oct. 13, 1802.

You know my doubts, or rather convictions, about the unconstitutionality of the act for building piers in the Delaware, and the fears that it will lead to a bottomless expense, & to the greatest abuses. There is, however, one intention of which the act is susceptible, & which will bring it within the Constitution; and we ought always to presume that the real intention which is alone consistent with the Constitution. Altho' the power to regulate commerce does not give a power to build piers, wharves, open ports, clear the beds of rivers, dig canals, build warehouses, build manufacturing machines, set up manufactories, cultivate the earth, to all of which the power would go if it went to the first, yet a power to provide and maintain a navy, is a power to provide receptacles for it, and places to cover & preserve it. In choosing the places where this money should be laid out, I should be much disposed, as far as contracts will permit, to confine it to such place or places as the ships of war may lie at, and be protected from ice; & I should be for stating this in a message to Congress, in order to prevent the effect of the present example. This act has been built on the exercise of the power of building light houses, as a regulation of commerce. But I well

remember the opposition, on this very ground, to the first act for building a light house. The utility of the thing has sanctioned the infraction. But if on that infraction we build a 2d, on that 2d a 3d, &c., any one of the powers in the Constitution may be made to comprehend every power of government. Will you read the enclosed letters on the subject of New Orleans, and think what we can do or propose in the case?

TO THE ATTORNEY-GENERAL. J. MSS.

(LEVI LINCOLN.)

WASHINGTON, Oct. 25, 1802.

DEAR SIR,—Your favor of the 16th is received, and that of July 24 had come to hand while I was at Monticello. I sincerely condole with you on the sickly state of your family, and hope this will find them re-established with the approach of the cold season. As yet, however, we have had no frost at this place, and it is believed the yellow fever still continues in Philadelphia, if not in Baltimore. We shall all be happy to see you here whenever the state of your family admits it. You will have seen by the newspapers that we have gained ground generally in the elections, that we have lost ground in not a single district of the U S, except Kent county in Delaware, where a religious dissension occasioned it. In Jersey the elections are always carried by small majorities, consequently the issue is affected by the smallest accidents. By the paper of the last night we have a majority of 3. in their Council, & 1. in their House of Representatives; another says it is only of 1. in each House: even the latter is sufficient for every purpose. The opinion I originally formed has never been changed, that such of the body of the people as thought themselves federalists, would find that they were in truth republicans, and would come over to us by degrees; but that their leaders had gone too far ever to change. Their bitterness increases with their desperation. They are trying slanders now which nothing could prompt but a gall which blinds their judgments as well as their consciences. I shall take no other revenge, than, by a steady pursuit of economy and

peace, and by the establishment of republican principles in substance and in form, to sink federalism into an abyss from which there shall be no resurrection for it. I still think our original idea as to office is best ; that is, to depend, for the obtaining a just participation, on deaths, resignations, & delinquencies. This will least affect the tranquillity of the people, and prevent their giving into the suggestion of our enemies, that ours has been a contest for office, not for principle. This is rather a slow operation, but it is sure if we pursue it steadily, which, however, has not been done with the undeviating resolution I could have wished. To these means of obtaining a just share in the transaction of the public business, shall be added one other, to wit, removal for electioneering activity, or open & industrious opposition to the principles of the present government, legislative & executive. Every officer of the government may vote at elections according to his conscience ; but we should betray the cause committed to our care, were we to permit the influence of official patronage to be used to overthrow that cause. Your present situation will enable you to judge of prominent offenders in your State, in the case of the present election. I pray you to seek them, to mark them, to be quite sure of your ground, that we may commit no error or wrong, and leave the rest to me. I have been urged to remove Mr. Whittemore, the surveyor of Gloucester, on grounds of neglect of duty and industrious opposition. Yet no facts are so distinctly charged as to make the step sure which we should take in this. Will you take the trouble to satisfy yourself on this point ? I think it not amiss that it should be known that we are determined to remove officers who are active or open mouthed against the government, by which I mean the legislature as well as the executive. Accept assurances of my sincere friendship & high respect.

TO THOMAS COOPER. J. MSS.

WASHINGTON, Nov. 29, 1802.

DEAR SIR,—Your favor of Oct 25 was received in due time, and I thank you for the long extract you

took the trouble of making from Mr. Stone's letter. Certainly the information it communicates as to Alexander kindles a great deal of interest in his existence, and strong spasms of the heart in his favor. Tho his means of doing good are great, yet the materials on which he is to work are refractory. Whether he engages in private correspondences abroad, as the King of Prussia did much, his grandmother sometimes, I know not; but certainly such a correspondence would be very interesting to those who are sincerely anxious to see mankind raised from their present abject condition. It delights me to find that there are persons who still think that all is not lost in France: that their retrogradation from a limited to an unlimited despotism, is but to give themselves a new impulse. But I see not how or when. The press, the only tocsin of a nation, is compleatly silenced there, and all means of a general effort taken away. However, I am willing to hope, as long as anybody will hope with me; and I am entirely persuaded that the agitations of the public mind advance its powers, and that at every vibration between the points of liberty and despotism, something will be gained for the former. As men become better informed, their rulers must respect them the more. I think you will be sensible that our citizens are fast returning, from the panic into which they were artfully thrown to the dictates of their own reason; and I believe the delusions they have seen themselves hurried into will be useful as a lesson under similar attempts on them in future. The good effects of our late fiscal arrange-

ments will certainly tend to unite them in opinion, and in a confidence as to the views of their public functionaries, legislative & executive. The path we have to pursue is so quiet that we have nothing scarcely to propose to our Legislature. A noiseless course, not meddling with the affairs of others, unattractive of notice, is a mark that society is going on in happiness. If we can prevent the government from wasting the labors of the people, under the pretence of taking care of them, they must become happy. Their finances are now under such a course of application as nothing could derange but war or federalism. The gripe of the latter has shown itself as deadly as the jaws of the former. Our adversaries say we are indebted to their providence for the means of paying the public debt. We never charged them with the want of foresight in providing money, but with the misapplication of it after they had levied it. We say they raised not only enough, but too much; and that after giving back the surplus we do more with a part than they did with the whole.

Your letter of Nov 18 is also received. The places of midshipman are so much sought that (being limited) there is never a vacancy. Your son shall be set down for the 2d, which shall happen; the 1st being anticipated. We are not long generally without vacancies happening. As soon as he can be appointed you shall know it. I pray you to accept assurances of my great attachment and respect.

TO DR. JOSEPH PRIESTLEY. J. MSS.

WASHINGTON, Nov. 29, 1802.

DEAR SIR,—Your favor of Oct. 29 was received in due time, and I am very thankful for the extract of Mr. Stone's letter on the subject of Alexander. The apparition of such a man on a throne is one of the phænomena which will distinguish the present epoch so remarkable in the history of man. But he must have an herculean task to devise and establish the means of securing freedom and happiness to those who are not capable of taking care of themselves. Some preparation seems necessary to qualify the body of a nation for self-government. Who could have thought the French nation incapable of it? Alexander will doubtless begin at the right end, by taking means for diffusing instruction and a sense of their natural rights through the mass of his people, and for relieving them in the meantime from actual oppression. I should be puzzled to find a person capable of preparing for him the short analytical view of our constitution which you propose. It would be a short work, but a difficult one. Mr. Cooper's Propositions respecting the foundation of civil government; your own piece on the First principles of government; Chipman's Sketches on the principles of government, and the Federalist would furnish the principles of our constitution and their practical development in the several parts of that instrument. I question whether such a work can be so well executed for his purpose by any other, as by a Russian presenting exactly that view of it which that people would

seize with advantage. It would be easy to name some persons who could give a perfect abstract view, adapted to an English or an American mind: But they would find it difficult to disengage themselves sufficiently from other pursuits. However, if we keep it in view we may perhaps get it done. Your letter to Mr. Stone shall be taken care of.

Our busy scene is now approaching. The quiet tract into which we are endeavoring to get, neither meddling with the affairs of other nations, nor with those of our fellow citizens, but letting them go on in their own way, will show itself in the statement of our affairs to Congress. We have almost nothing to propose to them but 'to let things alone.' The effects of the fiscal arrangements of the last session will show themselves very satisfactorily. The only speck in our horizon which can threaten anything, is the cession of Louisiana to France. Tho' probable, it is not yet entirely certain how far it will be carried into effect. I am sorry you cannot be absent this winter from the cold of the position in which you are. I have a great opinion of the favorable influence of genial climates in winter, and especially on old persons. Altho' Washington does not offer the best, yet it is probably much milder than that in which you are. Otherwise it could offer little but the affectionate reception you should have experienced. The notice of me which you are so good as to prefix to your book, cannot but be consolatory, in as much as it testifies what one great and good man thinks of me. But in truth I have no pretensions but to have

wished the good of mankind with very moderate talents for carrying it into effect. My chief object is to let the good sense of the nation have fair play, believing it will best take care of itself. Praying for you many days of life and health, and of leisure still to inform the understandings of man, I tender you the assurances of my sincere esteem and attachment and high respect.

SECOND ANNUAL MESSAGE.[1]

December 15, 1802.

To the Senate and House of Representatives of the United States:

When we assemble together, fellow-citizens, to consider the state of our beloved country, our just attentions are first drawn to those pleasing circumstances which mark the goodness of that Being from whose favor they flow, and the large measure of thankfulness we owe for his bounty. Another year has come

[1] On the subject of this message, Jefferson wrote to Gallatin:

"MONTICELLO, August 3, 1802.

"P.S. What are the subjects on which the next session of Congress is to be employed? It is not too early to think of it. I know but of two: 1. The militia law. 2. The reformation of the civil list recommended to them at the last meeting, but not taken up through want of time and preparation; that preparation must be made by us. An accurate statement of the original amount and subsequent augmentations or diminutions of the public debt, to be continued annually is an article on which we have conferred before. A similar statement of the annual expenses of the government for a certain period back, and to be repeated annually, is another wholesome necessity we should impose on ourselves and our successors. Our court calendar should be completed."

Dearborn wrote the following suggestion to the President:

"Nov. 22, 1802.

"May it not be expedient to intimate that if a dry dock at this place should succeed, that others at more northern ports may be likewise proper for such ships as may be hereafter built?

"Will it not be proper to make communication of the measures taken for commencing the establishment of a magazine & armory in S. Carolina."

around, and finds us still blessed with peace and friendship abroad; law, order, and religion, at home; good affection and harmony with our Indian neighbors; our burdens lightened, yet our income sufficient for the public wants, and the produce of the year great beyond example. These, fellow-citizens, are the circumstances under which we meet; and we remark with special satisfaction, those which, under the smiles of Providence, result from the skill, industry and order of our citizens, managing their own affairs in their own way and for their own use, unembarrassed by too much regulations, unoppressed by fiscal exactions.

On the restoration of peace in Europe, that portion of the general carrying trade which had fallen to our share during the war, was abridged by the returning competition of the belligerent powers. This was to be expected, and was just. But in addition we find in some parts of Europe monopolizing discriminations, which, in the form of duties, tend effectually to prohibit the carrying thither our own produce in our own vessels. From existing amities, and a spirit of justice, it is hoped that friendly discussion will produce a fair and adequate reciprocity. But should false calculations of interest defeat our hope, it rests with the legislature to decide whether they will meet inequalities abroad with countervailing inequalities at home, or provide for the evil in any other way.

It is with satisfaction I lay before you an act of the British parliament anticipating this subject so far as to authorize a mutual abolition of the duties and countervailing duties permitted under the treaty of 1794. It shows on their part a spirit of justice and friendly accommodation which it is our duty and our interest to cultivate with all nations. Whether this would produce a due equality in the navigation between the two countries, is a subject for your consideration.

Another circumstance which claims attention, as directly affecting the very source of our navigation, is the defect or the evasion of the law providing for the return of seamen, and particularly of those belonging to vessels sold abroad. Numbers of them, discharged in foreign ports, have been thrown on the hands of our consuls, who, to rescue them from the dangers into which their distresses might plunge them, and save them to their country,

have found it necessary in some cases to return them at the public charge.

The cession of the Spanish province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations which will doubtless have just weight in any deliberations of the legislature connected with that subject.

There was reason, not long since, to apprehend that the warfare in which we were engaged with Tripoli might be taken up by some others of the Barbary powers. A reinforcement, therefore, was immediately ordered to the vessels already there. Subsequent information, however, has removed these apprehensions for the present. To secure our commerce in that sea with the smallest force competent, we have supposed it best to watch strictly the harbor of Tripoli. Still, however, the shallowness of their coast, and the want of smaller vessels on our part, has permitted some cruisers to escape unobserved; and to one of these an American vessel unfortunately fell a prey. The captain, one American seaman, and two others of color, remain prisoners with them unless exchanged under an agreement formerly made with the bashaw, to whom, on the faith of that, some of his captive subjects had been restored.

The convention with the State of Georgia has been ratified by their legislature, and a repurchase from the Creeks has been consequently made of a part of the Tallahassee county. In this purchase has also been comprehended part of the lands within the fork of Oconee and Oakmulgee rivers. The particulars of the contract will be laid before Congress so soon as they shall be in a state for communication.

In order to remove every ground of difference possible with our Indian neighbors, I have proceeded in the work of settling with them and marking the boundaries between us. That with the Choctaw nation is fixed in one part, and will be through the whole in a short time. The country to which their title had been extinguished before the revolution is sufficient to receive a very respectable population, which Congress will probably see the expediency of encouraging so soon as the limits shall be declared. We are to view this position as an outpost of the United

States, surrounded by strong neighbors and distant from its support. And how far that monopoly which prevents population should be here guarded against, and actual habitation made a condition of the continuance of title, will be for your consideration. A prompt settlement, too, of all existing rights and claims within this territory, presents itself as a preliminary operation.

In that part of the Indian territory which includes Vincennes, the lines settled with the neighboring tribes fix the extinction of their title at a breadth of twenty-four leagues from east to west, and about the same length parallel with and including the Wabash. They have also ceded a tract of four miles square, including the salt springs near the mouth of the river.

In the department of finance it is with pleasure I inform you that the receipts of external duties for the last twelve months have exceeded those of any former year, and that the ratio of increase has been also greater than usual. This has enabled us to answer all the regular exigencies of government, to pay from the treasury in one year upwards of eight millions of dollars, principal and interest, of the public debt, exclusive of upward of one million paid by the sale of bank stock, and making in the whole a reduction of nearly five millions and a half of principal; and to have now in the treasury four millions and a half of dollars, which are in a course of application to a further discharge of debt and current demands. Experience, too, so far, authorizes us to believe, if no extraordinary event supervenes, and the expenses which will be actually incurred shall not be greater than were contemplated by Congress at their last session, that we shall not be disappointed in the expectations then formed. But nevertheless, as the effect of peace on the amount of duties is not yet fully ascertained, it is the more necessary to practice every useful economy, and to incur no expense which may be avoided without prejudice.

The collection of the internal taxes having been completed in some of the States, the officers employed in it are of course out of commission. In others, they will be so shortly. But in a few, where the arrangement for the direct tax had been retarded, it will still be some time before the system is closed. It has not yet been thought necessary to employ the agent authorized by an

act of the last session for transacting business in Europe relative to debts and loans. Nor have we used the power confided by the same act, of prolonging the foreign debts by reloans, and of redeeming, instead thereof, an equal sum of the domestic debt. Should, however, the difficulties of remittances on so large a scale render it necessary at any time, the power shall be executed, and the money thus unemployed abroad shall, in conformity with that law, be faithfully applied here in an equivalent extinction of domestic debt. When effects so salutary result from the plans you have already sanctioned, when merely by avoiding false objects of expense we are able, without a direct tax, without internal taxes, and without borrowing, to make large and effectual payments toward the discharge of our public debt and the emancipation of our posterity from that moral canker, it is an ecouragement, fellow-citizens, of the highest order, to proceed as we have begun, in substituting economy for taxation, and in pursuing what is useful for a nation placed as we are, rather than what is practiced by others under different circumstances. And whensoever we are destined to meet events which shall call forth all the energies of our countrymen, we have the firmest reliance on those energies, and the comfort of leaving for calls like these the extraordinary resources of loans and internal taxes. In the meantime, by payments of the principal of our debt, we are liberating, annually, portions of the external taxes, and forming from them a growing fund still further to lessen the necessity of recurring to extraordinary resources.

The usual accounts of receipts and expenditures for the last year, with an estimate of the expenses of the ensuing one, will be laid before you by the secretary of the treasury.

No change being deemed necessary in our military establishment, an estimate of its expenses for the ensuing year on its present footing, as also of the sums to be employed in fortifications and other objects within that department, has been prepared by the secretary of war, and will make a part of the general estimates which will be presented to you.

Considering that our regular troops are employed for local purposes, and that the militia is our general reliance for great and sudden emergencies, you will doubtless think this institution

worthy of a review, and give it those improvements of which you find it susceptible.

Estimates for the naval department, prepared by the secretary of the navy for another year, will in like manner be communicated with the general estimates. A small force in the Mediterranean will still be necessary to restrain the Tripoline cruisers, and the uncertain tenure of peace with some other of the Barbary powers, may eventually require that force to be augmented. The necessity of procuring some smaller vessels for that service will raise the estimate, but the difference in their maintenance will soon make it a measure of economy.

Presuming it will be deemed expedient to expend annually a sum towards providing the naval defence which our situation may require, I cannot but recommend that the first appropriations for that purpose may go to the saving what we already possess. No cares, no attentions, can preserve vessels from rapid decay which lie in water and exposed to the sun. These decays require great and constant repairs, and will consume, if continued, a great portion of the money destined to naval purposes. To avoid this waste of our resources, it is proposed to add to our navy-yard here a dock, within which our vessels may be laid up dry and under cover from the sun. Under these circumstances experience proves that works of wood will remain scarcely at all affected by time. The great abundance of running water which this situation possesses, at heights far above the level of the tide, if employed as is practised for lock navigation, furnishes the means of raising and laying up our vessels on a dry and sheltered bed. And should the measure be found useful here, similar depositories for laying up as well as for building and repairing vessels may hereafter be undertaken at other navy-yards offering the same means. The plans and estimates of the work, prepared by a person of skill and experience, will be presented to you without delay; and from this it will be seen that scarcely more than has been the cost of one vessel is necessary to save the whole, and that the annual sum to be employed toward its completion may be adapted to the views of the legislature as to naval expenditure.

To cultivate peace and maintain commerce and navigation in

all their lawful enterprises ; to foster our fisheries and nurseries of navigation and for the nurture of man, and protect the manufactures adapted to our circumstances ; to preserve the faith of the nation by an exact discharge of its debts and contracts, expend the public money with the same care and economy we would practise with our own, and impose on our citizens no unnecessary burden ; to keep in all things within the pale of our constitutional powers, and cherish the federal union as the only rock of safety—these, fellow-citizens are the landmarks by which we are to guide ourselves in all our proceedings. By continuing to make these our rule of action, we shall endear to our countrymen the true principles of their constitution, and promote a union of sentiment and of action equally auspicious to their happiness and safety. On my part, you may count on a cordial concurrence in every measure for the public good, and on all the information I possess which may enable you to discharge to advantage the high functions with which you are invested by your country.

TO CÆSAR A. RODNEY. J. MSS.

WASHINGTON, Dec. 31, 1802.

DEAR SIR,—* * * Congress is not yet engaged in business of any note. We want men of business among them. I really wish you were here. I am convinced it is in the power of any man who understands business, and who will undertake to keep a file of the business before Congress and press it as he would his own docket in a court, to shorten the sessions a month one year with another and to save in that way 30,000 D. a year. An ill-judged modesty prevents those from undertaking it who are equal to it.

You will have seen by the message that there is little interesting proposed to be done. The settlement of the Mississippi territory is among the most impor-

tant. So also, in my opinion, is the proposition for the preservation of our navy, which otherwise will either be entirely rotten in 6. or 8. years, or will cost us 3. or 4. millions in repairs. Whether the proposition will surmount the doubts of some, and false economy of others I know not. Accept assurances of my great esteem and respect.

TO JAMES MONROE. J. MSS.

WASHINGTON, Jan. 10, 1803.

DEAR SIR,—I have but a moment to inform you that the fever into which the western mind is thrown by the affair at N. Orleans stimulated by the mercantile, and generally the federal interest threatens to overbear our peace. In this situation we are obliged to call on you for a temporary sacrifice of yourself, to prevent this greatest of evils in the present prosperous tide of our affairs. I shall to-morrow nominate you to the Senate for an extraordinary mission to France, and the circumstances are such as to render it impossible to decline; because the whole public hope will be rested on you. I wish you to be either in Richmond or Albermarle till you receive another letter from me, which will be written two days hence if the Senate decide immediately or later according to the time they will take to decide. In the meantime pray work night and day to arrange your affairs for a temporary absence; perhaps for a long one. Accept affectionate salutations.

TO THOMAS PAINE. J. MSS.

Jan. 13, 1803.

The bearer brings your models. You have certainly misconceived what you deem shyness. Of that I have not had a thought towards you, but on the contrary have openly maintained in conversation the duty of showing our respect to you and of defying federal calumny in this as in other cases, by doing what is right. As to fearing it, if I ever could have been weak enough for that, they have taken care to cure me of it thoroughly. The fact is that I am now so pressed with business till 1. or 2. o'clock and then to get a little exercise before I am engaged again with company to dine, from which I am not disengaged till night, that I have only the evening in which I can indulge in the society of my friends. And as to mechanics, mathematics, philosophy &c., I am obliged to give one answer to the many communications on those subjects, that I am obliged to abandon them entirely, as I have not a moment to give to them which would not be taken from some pressing duty. I thank you for the sight of the models. They are all interesting to the public; the one for planing is most so to me personally. I imagine somebody at your new establishment will set up the trade of making them; and when that is the case I will apply to him for a pair. Accept my friendly salutations and respects.

TO THE SPECIAL ENVOY TO FRANCE J. MSS.
(JAMES MONROE.)

WASHINGTON, Jan. 13, 1803.

DEAR SIR,—I dropped you a line on the 10th informing you of a nomination I had made of you to the Senate, and yesterday I enclosed you their approbation not then having time to write. The agitation of the public mind on occasion of the late suspension of our right of deposit at N. Orleans is extreme. In the western country it is natural and grounded on honest motives. In the seaports it proceeds from a desire for war which increases the mercantile lottery; in the federalists generally and especially those of Congress the object is to force us into war if possible, in order to derange our finances, or if this cannot be done, to attach the western country to them, as their best friends, and thus get again into power. Remonstrances memorials &c. are now circulating through the whole of the western country and signing by the body of the people. The measures we have been pursuing being invisible, do not satisfy their minds. Something sensible therefore was become necessary; and indeed our object of purchasing N. Orleans and the Floridas is a measure liable to assume so many shapes, that no instructions could be squared to fit them, it was essential then to send a minister extraordinary to be joined with the ordinary one, with discretionary powers, first however well impressed with all our views and therefore qualified to meet and modify to these every form of proposition which could come from the other party. This could be done only in full and frequent oral communications. Having determined on this, there could not be two opinions among the republicans as to the person. You possess the unlimited confidence of the administration and of the western people; and generally of the republicans everywhere; and were you to refuse to go, no other man can be found who does this. The measure has already silenced the Feds. here. Congress will no longer be agitated by them: and the country will become calm as fast as the information extends over it. All eyes, all hopes, are now fixed on you; and were you to decline, the chagrin would be universal, and would shake under your feet the high ground on which you stand with the public. Indeed I

know nothing which would produce such a shock, for on the event of this mission depends the future destinies of this republic. If we cannot by a purchase of the country insure to ourselves a course of perpetual peace and friendship with all nations, then as war cannot be distant, it behooves us immediately to be preparing for that course, without, however, hastening it, and it may be necessary (on your failure on the continent) to cross the channel.

We shall get entangled in European politics, and figuring more, be much less happy and prosperous. This can only be prevented by a successful issue to your present mission. I am sensible after the measures you have taken for getting into a different line of business, that it will be a great sacrifice on your part, and presents from the season and other circumstances serious difficulties. But some men are born for the public. Nature by fitting them for the service of the human race on a broad scale, has stamped with the evidences of her destination and their duty.

But I am particularly concerned that in the present case you have more than one sacrifice to make. To reform the prodigalities of our predecessors is understood to be peculiarly our duty, and to bring the government to a simple and economical course. They, in order to increase expense, debt, taxation, and patronage tried always how much they could give. The outfit given to ministers resident to enable them to furnish their house, but given by no nation to a temporary minister, who is never expected to take a house or to entertain, but considered on a footing of a voyageur, they gave to their extraordinary missionaries by wholesale. In the beginning of our administration, among other articles of reformation in expense, it was determined not to give an outfit to missionaries extraordinary, and not to incur the expense with any minister of sending a frigate to carry him or bring him. The Boston happened to be going to the Mediterranean, and was permitted therefore to take up Mr. Livingstone and touch in a port of France. A frigate was denied to Charles Pinckney and has been refused to Mr. King for his return. Mr. Madison's friendship and mine to you being so well known, the public will have eagle eyes to watch if we grant you any indulgencies of the general rule; and on the other hand, the example set in your case will be more cogent on future ones, and produce greater approba-

tion to our conduct. The allowance therefore will be in this and all similar cases, all the expenses of your journey and voiage, taking a ship's cabin to yourself, 9,000 D. a year from your leaving home till the proceedings of your mission are terminated, and then the quarter's salary for the expenses of the return as prescribed by law. As to the time of your going you cannot too much hasten it, as the moment in France is critical. St. Domingo delays their taking possession of Louisiana, and they are in the last distress for money for current purposes. You should arrange your affairs for an absence of a year at least, perhaps for a long one. It will be necessary for you to stay here some days on your way to New York. You will receive here what advance you chuse. Accept assurances of my constant and affectionate attachment.

CONFIDENTIAL MESSAGE ON EXPEDITION TO THE PACIFIC.[1]

Jan. 18th, 1803.

Gentlemen of the Senate, and of the House of Representatives:

As the continuance of the act for establishing trading houses with the Indian tribes will be under the consideration of the Legislature at its present session, I think it my duty to communicate

[1] This wish to explore the great West had long been a favorite hobby of Jefferson (see VI, 158), and as soon as Congress gave him the necessary authority, he organized an expedition, the history of which is too well known to need notice here.

To Casper Wistar Jefferson wrote:

"WASHINGTON, Feb. 28, 1803.

"DEAR SIR,—The enclosed sheets may contain some details which perhaps may be thought interesting enough for the transactions of our society. They were forwarded to me by Mr. Dunbar with a couple of vocabularies which I retain to be added to my collection.

"What follows is to be perfectly confidential. I have at length succeeded in procuring an essay to be made of exploring the Missouri & whatever river heading with that, runs into the western Ocean. Congress by a secret authority enables me to do it. A party of about 10. chosen men headed by an officer will immediately set out. We cannot in the U. S. find a person who to courage, prudence, habits & health adapted to the woods, & some familiarity with the Indian character, joins a perfect knowlege of botany, natural history, mineralogy & astronomy, all of which would be desirable. To the first qualifi-

the views which have guided me in the execution of that act, in order that you may decide on the policy of continuing it, in the present or any other form, or discontinue it altogether, if that shall, on the whole, seem most for the public good.

cations Captain Lewis my secretary adds a great mass of accurate observation made on the different subjects of the three kingdoms as existing in these states, not under their scientific forms, but so as that he will readily seize whatever is new in the country he passes thro', and give us accounts of new things only; and he has qualified himself for fixing the longitude & latitude of the different points in the line he will go over. I have thought it would be useful to confine his attention to those objects only on which information is most deficient & most desirable: & therefore would thank you to make a note on paper of those which occur to you as most desirable for him to attend to. He will be in Philadelphia within two or three weeks & will call on you. Any advice or hints you can give him will be thankfully received & usefully applied. I presume he will compleate his tour there & back in two seasons. Accept assurances of my sincere esteem & high respect."

Letters of much the same tenor were also written to Benjamin Smith Barton, Robert Patterson, and Peter Stephen Du Ponceau.

To Meriwether Lewis, Jefferson wrote:

"WASHINGTON, April 27, 1803.

"DEAR SIR,—Yours of the 20th from Lancaster was received the night before last. Not having heard from you since the time of my leaving Washington I had written to you on the 23d and lodged it in Philadelphia. You will therefore probably receive that & this together. I inclose you a copy of the rough draft of instructions I have prepared for you, that you may have time to consider them, & to propose any modifications which may occur to yourself as useful. Your destination being known to Mr. Patterson, Doctrs Wistar, Rush & Barton, these instructions may be submitted to their perusal. A considerable portion of them being within the field of the Philosophical society, which once undertook the same mission, I think it my duty to consult some of its members limiting the communication by the necessity of secrecy in a good degree. These gentlemen will suggest any additions they will think useful, as has been before asked of them. We have received information that Connor cultivates in the first degree the patronage of the British government; to which he values ours as only secondary. As it is possible however that his passion for the expedition may overrule that for the British, and as I do not see that the British agents will necessarily be disposed to counteract us, I think Connor's qualifications make it desirable to engage him, and that the communication to him will be as useful, as it was certainly proper under our former impression of him. The idea that you are going to explore the Mississippi has been generally given out. It satisfies public curiosity, and masks sufficiently the real destination. I shall be glad to hear from you, as soon after your arrival at Philadelphia as

The Indian tribes residing within the limits of the United States, have, for a considerable time, been growing more and more uneasy at the constant diminution of the territory they occupy, although effected by their own voluntary sales: and the policy has long

you can form an idea when you will leave, and when be here. Accept assurances of my constant & sincere affection."

"*Instructions to Lewis.*

"To Merryweather Lewis, Esq., Captain of the 1st Regiment of Infantry of the United States of America.

"Your situation as Secretary of the President of the United States has made you acquainted with the objects of my confidential message of Jan. 18, 1803, to the legislature. You have seen the act they passed, which, tho' expressed in general terms, was meant to sanction those objects, and you are appointed to carry them into execution.

"Instruments for ascertaining by celestial observations the geography of the country thro' which you will pass, have been already provided. Light articles for barter, & presents among the Indians, arms for your attendants, say for from 10 to 12 men, boats, tents, & other travelling apparatus, with ammunition, medicine, surgical instruments & provision you will have prepared with such aids as the Secretary at War can yield in his department; & from him also you will receive authority to engage among our troops, by voluntary agreement, the number of attendants above mentioned, over whom you, as their commanding officer are invested with all the powers the laws give in such a case.

"As your movements while within the limits of the U. S. will be better directed by occasional communications, adapted to circumstances as they arise, they will not be noticed here. What follows will respect your proceedings after your departure from the U. S.

"Your mission has been communicated to the Ministers here from France, Spain, & Great Britain, and through them to their governments: and such assurances given them as to it's objects as we trust will satisfy them. The country of Louisiana having been ceded by Spain to France, the passport you have from the Minister of France, the representative of the present sovereign of the country, will be a protection with all it's subjects: And that from the Minister of England will entitle you to the friendly aid of any traders of that allegiance with whom you may happen to meet.

"The object of your mission is to explore the Missouri river, & such principal stream of it, as, by it's course & communication with the water of the Pacific Ocean may offer the most direct & practicable water communication across this continent, for the purposes of commerce.

"Beginning at the mouth of the Missouri, you will take observations of latitude and longitude at all remarkable points on the river, & especially at the mouths of rivers, at rapids, at islands & other places & objects distinguished by

been gaining strength with them, of refusing absolutely all further sale, on any conditions; insomuch that, at this time, it hazards their friendship, and excites dangerous jealousies and perturbations in their minds to make any overture for the purchase of the

such natural marks & characters of a durable kind, as that they may with certainty be recognized hereafter. The courses of the river between these points of observation may be supplied by the compass, the log-line & by time, corrected by the observations themselves. The variations of the compass too, in different places should be noticed.

"The interesting points of the portage between the heads of the Missouri & the water offering the best communication with the Pacific Ocean should be fixed by observation & the course of that water to the ocean, in the same manner as that of the Missouri.

"Your observations are to be taken with great pains & accuracy, to be entered distinctly, & intelligibly for others as well as yourself, to comprehend all the elements necessary, with the aid of the usual tables to fix the latitude & longitude of the places at which they were taken, & are to be rendered to the war office, for the purpose of having the calculations made concurrently by proper persons within the U. S. Several copies of these as well as of your other notes, should be made at leisure times & put into the care of the most trustworthy of your attendants, to guard by multiplying them against the accidental losses to which they will be exposed. A further guard would be that one of these copies be written on the paper of the birch, as less liable to injury from damp than common paper.

"The commerce which may be carried on with the people inhabiting the line you will pursue, renders a knolege of these people important. You will therefore endeavor to make yourself acquainted, as far as a diligent pursuit of your journey shall admit,

with the names of the nations & their numbers;
the extent & limits of their possessions;
their relations with other tribes or nations;
their language, traditions, monuments;
their ordinary occupations in agriculture, fishing, hunting, war, arts, & the implements for these;
their food, clothing, & domestic accommodations;
the diseases prevalent among them, & the remedies they use;
moral and physical circumstance which distinguish them from the tribes they know;
peculiarities in their laws, customs & dispositions;
and articles of commerce they may need or furnish & to what extent.

"And considering the interest which every nation has in extending & strengthening the authority of reason & justice among the people around them, it will be useful to acquire what knolege you can of the state of morality, reli-

smallest portions of their land. A very few tribes only are not yet obstinately in these dispositions. In order peaceably to counteract this policy of theirs, and to provide an extension of territory which the rapid increase of our numbers will call for, two measures

gion & information among them, as it may better enable those who endeavor to civilize & instruct them, to adapt their measures to the existing notions & practises of those on whom they are to operate.

"Other objects worthy of notice will be

the soil & face of the country, its growth & vegetable productions; especially those not of the U. S.

the animals of the country generally, & especially those not known in the U. S.

The remains & accounts of any which may be deemed rare or extinct;

the mineral productions of every kind; but more particularly metals, limestone, pit coal & saltpetre; salines & mineral waters, noting the temperature of the last & such circumstances as may indicate their character; volcanic appearances;

climate as characterized by the thermometer, by the proportion of rainy, cloudy & clear days, by lightening, hail, snow, ice, by the access & recess of frost, by the winds, prevailing at different seasons, the dates at which particular plants put forth or lose their flowers, or leaf, times of appearance of particular birds, reptiles or insects.

"Altho' your route will be along the channel of the Missouri, yet you will endeavor to inform yourself by inquiry, of the character and extent of the country watered by its branches, and especially on it's southern side. The north river or Rio Bravo which runs into the gulph of Mexico, and the north river, or Rio colorado, which runs into the gulph of California, are understood to be the principal streams heading opposite to the waters of the Missouri, & running Southwardly. Whether the dividing grounds between the Missouri & them are mountains or flatlands, what are their distance from the Missouri, the character of the intermediate country, & the people inhabiting it, are worthy of particular enquiry. The northern waters of the Missouri are less to be enquired after, because they have been ascertained to a considerable degree, and are still in a course of ascertainment by English traders & travellers. But if you can learn anything certain of the most northern source of the Mississippi, & of it's position relative to the lake of the woods, it will be interesting to us. Some account too of the path of the Canadian traders from the Mississippi, at the mouth of the Ouisconsin river, to where it strikes the Missouri and of the soil and rivers in it's course, is desirable.

"In all your intercourse with the natives treat them in the most friendly & conciliatory manner which their own conduct will admit; allay all jealousies as to the object of your journey, satisfy them of it's innocence, make them acquainted with the position, extent, character, peaceable & commercial dis-

are deemed expedient. First: to encourage them to abandon hunting, to apply to the raising stock, to agriculture and domestic manufacture, and thereby prove to themselves that less land and labor will maintain them in this, better than in their former mode

positions of the U. S., of our wish to be neighborly, friendly & useful to them, & of our dispositions to a commercial intercourse with them; confer with them on the points most convenient as mutual emporiums, & the articles of most desirable interchange for them & us. If a few of their influential chiefs, within practicable distance, wish to visit us, arrange such a visit with them, and furnish them with authority to call on our officers, on their entering the U. S. to have them conveyed to this place at the public expense. If any of them should wish to have some of their young people brought up with us, & taught such arts as may be useful to them, we will receive, instruct & take care of them. Such a mission, whether of influential chiefs, or of young people, would give some security to your own party. Carry with you some matter of the kine-pox, inform those of them with whom you may be of it's efficacy as a preservative from the small-pox; and instruct & encourage them in the use of it. This may be especially done wherever you may winter.

"As it is impossible for us to foresee in what manner you will be received by those people, whether with hospitality or hostility, so is it impossible to prescribe the exact degree of perseverance with which you are to pursue your journey. We value too much the lives of citizens to offer them to probably destruction. Your numbers will be sufficient to secure you against the unauthorized opposition of individuals, or of small parties: but if a superior force, authorized or not authorized, by a nation, should be arrayed against your further passage, & inflexibly determined to arrest it, you must decline it's further pursuit, & return. In the loss of yourselves, we should lose also the information you will have acquired. By returning safely with that, you may enable us to renew the essay with better calculated means. To your own discretion therefore must be left the degree of danger you may risk, & the point at which you should decline, only saying we wish you to err on the side of your safety, & to bring back your party safe, even if it be with less information.

"As far up the Missouri as the white settlements extend, an intercourse will probably be found to exist between them and the Spanish posts at St. Louis, opposite Cahokia, or Ste. Genevieve opposite Kaskaskia. From still farther up the river, the traders may furnish a conveyance for letters. Beyond that you may perhaps be able to engage Indians to bring letters for the government to Cahokia or Kaskaskia on promising that they shall there receive such special compensation as you shall have stipulated with them. Avail yourself of these means to communicate to us at seasonable intervals a copy of your journal, notes & observations of every kind, putting into cipher whatever might do injury if betrayed.

"Should you reach the Pacific Ocean inform yourself of the circumstances

of living. The extensive forests necessary in the hunting life, will then become useless, and they will see advantage in exchanging them for the means of improving their farms, and of increasing their domestic comforts. Secondly: to multiply trading houses

which may decide whether the furs of those parts may not be collected as advantageously at the head of the Missouri (convenient as is supposed to the waters of the Colorado & Oregon or Columbia) as at Nootka Sound or any other point of that coast; & that trade be consequently conducted through the Missouri & U. S. more beneficially than by the circumnavigation now practised.

"On your arrival on that coast endeavor to learn if there be any port within your reach frequented by the sea-vessels of any nation, and to send two of your trusted people back by sea, in such way as shall appear practicable, with a copy of your notes. And should you be of opinion that the return of your party by the way they went will be eminently dangerous, then ship the whole, & return by sea by way of Cape Horn or the Cape of Good Hope, as you shall be able. As you will be without money, clothes or provisions, you must endeavor to use the credit of the U. S. to obtain them; for which purpose open letters of credit shall be furnished you authorizing you to draw on the Executive of the U. S. or any of its officers in any part of the world, in which drafts can be disposed of, and to apply with our recommendations to the consuls, agents, merchants or citizens of any nation with which we have intercourse, assuring them in our name that any aids they may furnish you, shall be honorably repaid and on demand. Our consuls Thomas Howes at Batavia in Java, William Buchanan of the Isles of France and Bourbon & John Elmslie at the Cape of Good Hope will be able to supply your necessities by drafts on us.

"Should you find it safe to return by the way you go, after sending two of your party round by sea, or with your whole party, if no conveyance by sea can be found, do so; making such observations on your return as may serve to supply, correct or confirm those made on your outward journey.

"In re-entering the U. S. and reaching a place of safety, discharge any of your attendants who may desire & deserve it: procuring for them immediate paiment of all arrears of pay & cloathing which may have incurred since their departure & assure them that they shall be recommended to the liberality of the Legislature for the grant of a souldier's portion of land each, as proposed in my message to Congress: & repair yourself with your papers to the seat of government.

"To provide, on the accident of your death, against anarchy, dispersion & the consequent danger to your party, and total failure of the enterprise, you are hereby authorized by any instrument signed & written in your own hand to name the person among them who shall succeed to the command on your decease, & by like instruments to change the nomination from time to time, as further experience of the characters accompanying you shall point out superior fitness: and all the powers & authorities given to yourself are, in the event of your death transferred to & vested in the successor so named, with further power to him, &

among them, and place within their reach those things which will contribute more to their domestic comfort, than the possession of extensive, but uncultivated wilds. Experience and reflection will develop to them the wisdom of exchanging what they can spare

his successors in like manner to name each his successor, who, on the death of his predecessor shall be invested with all the powers & authorities given to yourself.

"Given under my hand at the city of Washington, this 20th day of June, 1803."

To Peyrouse, the Commandant of Upper Louisiana, Jefferson wrote:

"WASHINGTON, July 3, 1803.

"DEAR SIR,—Since I had the pleasure of your acquaintance in Philadelphia in 1791, I had supposed you were returned to Europe. I have lately however been told that you preside at present at Ste. Genevieve & Louis. I cannot therefore omit the satisfaction of writing to you by Capt. Lewis, an officer in our army, & for some time past my secretary. As our former acquaintance was a mixt one of science & business so is the occasion of renewing it. You know that the geography of the Misssouri and the most convenient water communication from the head of that to the Pacific ocean is a desideratum not yet satisfied. Since coming to the administration of the U. S. I have taken the earliest opportunity in my power to have that communication explored, and Capt. Lewis with a party of twelve or fifteen men is authorized to do it. His journey being merely literary, to inform us of the geography & natural history of the country, I have procured a passport for him & his party, from the minister of France here, it being agreed between him & the Spanish minister, that the country having been ceded to France, her minister may most properly give authority for the journey. This was the state of things when the passport was given, which was some time since. But before Capt. Lewis's actual departure we learn through a channnel of unquestionable information that France has ceded the whole country of Louisiana to the U. S. by a treaty concluded in the first days of May. But for an object as innocent & useful as this I am sure you will not be scrupulous as to the authorities on which this journey is undertaken; & that you will give all the protection you can to Capt. Lewis & his party in going & returning. I have no doubt you can be particularly useful to him, and it is to solicit your patronage that I trouble you with the present letter, praying you at the same time to accept my friendly salutations & assurances of my high respect & consideration."

After the expedition had started Jefferson wrote to Lewis:

"WASHINGTON, July 15, 1803.

"DEAR SIR,—I dropped you a line on the 11th inst. and last night received yours of the 8th. Last night also we received the treaty from Paris ceding

and we want, for what we can spare and they want. In leading them to agriculture, to manufactures, and civilization; in bringing together their and our settlements, and in preparing them ultimately to participate in the benefits of our governments, I trust and believe we are acting for their greatest good. At these trading houses we have pursued the principles of the act of Congress, which directs that the commerce shall be carried on liberally, and requires only that the capital stock shall not be diminished. We consequently undersell private traders, foreign and domestic, drive them from the competition; and thus, with the good will of the Indians, rid ourselves of a description of men who are constantly endeavoring to excite in the Indian mind suspicions, fears, and irritations towards us. A letter now enclosed, shows the effect of our competition on the operations of the traders, while the Indians, perceiving the advantage of purchasing from us, are soliciting generally, our establishment of trading houses among them. In one quarter this is particularly interesting. The Legislature, reflecting on the late occurrences on the Mississippi, must be sensible how desirable it is to possess a respectable breadth of country on that river, from our Southern limit to the Illinois at least; so that we may present as firm a front on that as on our Eastern border. We possess what is below the Yazoo, and can probably acquire a certain breadth from the Illinois and Wabash to the

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Louisiana according to the bounds to which France had a right. Price 11¼ millions of dollars besides paying certain debts of France to our citizens which will be from 1 to 4 millions. I received also from Mr. La Cepede at Paris to whom I had mentioned your intended expedition a letter of which the following is an extract. 'Mr. Broughton, one of the companions of Captain Vancouver went up Columbia river 100. miles in December, 1792. He stopped at a point which he named Vancouver lat. 45° 27′ longitude 237° 50′ E. Here the river Columbia is still a quarter of a mile wide & from 12 to 36 feet deep. It is far then to its head. From this point Mount Hood is seen 20 leagues distant, which is probably a dependence of the Stony mountains, of which Mr. Fiedler saw the beginning about lat. 40° and the source of the Missouri is probably in the Stony mountains. If your nation can establish an easy communication by rivers, canals, & short portages between N. York for example & the city [they were building?] at the mouth of the Columbia, what a route for the commerce of Europe, Asia, & America.' Accept my affectionate salutations."

Ohio; but between the Ohio and Yazoo, the country all belongs to the Chickasaws, the most friendly tribe within our limits, but the most decided against the alienation of lands. The portion of their country most important for us is exactly that which they do not inhabit. Their settlements are not on the Mississippi, but in the interior country. They have lately shown a desire to become agricultural; and this leads to the desire of buying implements and comforts. In the strengthening and gratifying of these wants, I see the only prospect of planting on the Mississippi itself, the means of its own safety. Duty has required me to submit these views to the judgment of the Legislature; but as their disclosure might embarrass and defeat their effect, they are committed to the special confidence of the two Houses.

While the extension of the public commerce among the Indian tribes, may deprive of that source of profit such of our citizens as are engaged in it, it might be worthy the attention of Congress, in their care of individual as well as of the general interest, to point, in another direction, the enterprise of these citizens, as profitably for themselves, and more usefully for the public. The river Missouri, and the Indians inhabiting it, are not as well known as is rendered desirable by their connexion with the Mississippi, and consequently with us. It is, however, understood, that the country on that river is inhabited by numerous tribes, who furnish great supplies of furs and peltry to the trade of another nation, carried on in a high latitude, through an infinite number of portages and lakes, shut up by ice through a long season. The commerce on that line could bear no competition with that of the Missouri, traversing a moderate climate, offering according to the best accounts, a continued navigation from its source, and possibly with a single portage, from the Western Ocean, and finding to the Atlantic a choice of channels through the Illinois or Wabash, the lakes and Hudson, through the Ohio and Susquehanna, or Potomac or James rivers, and through the Tennessee and Savannah, rivers. An intelligent officer, with ten or twelve chosen men, fit for the enterprise, and willing to undertake it, taken from our posts, where they may be spared without inconvenience, might explore the whole line, even to the Western Ocean, have conferences with the natives on the subject of com-

mercial intercourse, get admission among them for our traders, as others are admitted, agree on convenient deposits for an interchange of articles, and return with the information acquired, in the course of two summers. Their arms and accoutrements, some instruments of observation, and light and cheap presents for the Indians, would be all the apparatus they could carry, and with an expectation of a soldier's portion of land on their return, would constitute the whole expense. Their pay would be going on, whether here or there. While other civilized nations have encountered great expense to enlarge the boundaries of knowledge by undertaking voyages of discovery, and for other literary purposes, in various parts and directions, our nation seems to owe to the same object, as well as to its own interests, to explore this, the only line of easy communication across the continent, and so directly traversing our own part of it. The interests of commerce place the principal object within the constitutional powers and care of Congress, and that it should incidentally advance the geographical knowledge of our own continent, cannot be but an additional gratification. The nation claiming the territory, regarding this as a literary pursuit, which is in the habit of permitting within its dominions, would not be disposed to view it with jealousy, even if the expiring state of its interests there did not render it a matter of indifference. The appropriation of two thousand five hundred dollars, 'for the purpose of extending the external commerce of the United States,' while understood and considered by the Executive as giving the legislative sanction, would cover the undertaking from notice, and prevent the obstructions which interested individuals might otherwise previously prepare in its way.

TO THE GOVERNOR OF KENTUCKY. J. MSS.

(JAMES GARRARD.)

WASHINGTON, Jan. 18, 1803.

SIR,—Soon after the date of my letter to you of Dec. 16th the memorial of the Senate and House of Representatives of Kentucky to the President of the U. S. and the Senate and House of Representatives of Congress came to hand. In that letter I in-

formed you that we had reason to believe that the suspension of the right of deposit at New Orleans was an act merely of the intendant, unauthorized by his government; that immediately on information of it we had taken measures to have it rectified, and that we had been seconded in these by the cordial interposition of the minister of his catholic majesty residing here. Further information showing that this act of the intendant was unauthorized has strengthened our expectation that it will be corrected.

In order, however, to provide against the hazards which beset our interests & peace in that quarter, I have determined with the approbation of the Senate, to send James Monroe, late governor of Virginia, with full powers to him and our ministers in France and Spain to enter with those governments into such arrangements as may effectually secure our rights & interest in the Mississippi, and in the country eastward of that. He is now here and will depart immediately. In the meantime knowing how important it is that the obstructions shall be removed in time for the produce which will begin to descend the river in February, the Spanish minister, has, at our request, reiterated his interposition with the intendant of New Orleans.

I inclose you a resolution of the House of Representatives on this subject, which with the measures taken by the executive, will, I hope, furnish new grounds for the confidence which the legislature of Kentucky is pleased to express in the government of the U. S., and evince to them that that government is equally and impartially alive to the interests of every portion of the union.

TO P. S. DUPONT DE NEMOURS. J. MSS.

WASHINGTON, Feb 1, 1803.

DEAR SIR,—I have to acknolege the receipt of your favors of Aug 16 and Oct 4. And the latter I received with peculiar satisfaction; because, while it holds up terms which cannot be entirely yielded, it proposes such as a mutual spirit of accommodation

and sacrifice of opinion may bring to some point of union. While we were preparing on this subject such modifications of the propositions of your letter of Oct 4, as we could assent to, an event happened which obliged us to adopt measures of urgency. The suspension of the right of deposit at New Orleans, ceded to us by our treaty with Spain, threw our whole country into such a ferment as imminently threatened its peace. This, however, was believed to be the act of the Intendant, unauthorized by his government. But it showed the necessity of making effectual arrangements to secure the peace of the two counties against the indiscreet acts of subordinate agents. The urgency of the case, as well as the public spirit, therefore induced us to make a more solemn appeal to the justice and judgment of our neighbors, by sending a minister extraordinary to impress them with the necessity of some arrangement. Mr. Monroe has been selected. His good dispositions cannot be doubted. Multiplied conversations with him, and views of the subject taken in all the shapes in which it can present itself, have possessed him with our estimates of everything relating to it, with a minuteness which no written communication to Mr. Livingston could ever have attained. These will prepare them to meet and decide on every form of proposition which can occur, without awaiting new instructions from hence, which might draw to an indefinite length a discussion where circumstances imperiously oblige us to a prompt decision. For the occlusion of the Mississippi is a state of things in which we cannot exist. He goes, there-

fore, joined with Chancellor Livingston, to aid in the issue of a crisis the most important the U S have ever met since their independence, and which is to decide their future character & career. The confidence which the government of France reposes in you will undoubtedly give great weight to your information. An equal confidence on our part, founded on your knowledge of the subject, your just views of it, your good dispositions towards this country, and my long experience of your personal faith and friendship, assures me that your will render between us all the good offices in your power. The interests of the two countries being absolutely the same as to this matter, your aid may be conscientiously given. It will often perhaps, be possible for you, having a freedom of communication, *omnibus horis*, which diplomatic gentlemen will be excluded from by forms, to smooth difficulties by respresentations & reasonings, which would be received with more suspicion from them. You will thereby render great good to both countries. For our circumstances are so imperious as to admit of no delay as to our course; and the use of the Mississippi so indispensable, that we cannot hesitate one moment to hazard our existence for its maintenance. If we fail in this effort to put it beyond the reach of accident, we see the destinies we have to run, and prepare at once for them. Not but that we shall still endeavor to go on in peace and friendship with our neighbors as long as we can, *if our rights of navigation & deposit are respected;* but as we foresee that the caprices of the local officers, and the

abuse of those rights by our boatmen & navigators, which neither government can prevent, will keep up a state of irritation which cannot long be kept inactive, we should be criminally improvident not to take at once eventual measures for strengthening ourselves for the contest. It may be said, if this object be so all-important to us, why do we not offer such a sum as to insure its purchase? The answer is simple. We are an agricultural people, poor in money, and owing great debts. These will be falling due by instalments for 15. years to come, and require from us the practice of a rigorous economy to accomplish their payment; and it is our principle to pay to a moment whatever we have engaged, and never to engage what we cannot, and mean not faithfully to pay. We have calculated our resources, and find the sum to be moderate which they would enable us to pay, and we know from late trials that little can be added to it by borrowing. The country, too, which we wish to purchase, except the portion already granted, and which must be confirmed to the private holders, is a barren sand 600. miles from east to west, & from 30. to 40. & 50. miles from north to south, formed by deposition of the sands by the Gulf Stream in its circular course round the Mexican Gulf, and which being spent after performing a semicircle, has made from its last depositions the sand bank of East Florida. In West Florida, indeed, there are on the borders of the rivers some rich bottoms, formed by the mud brought from the upper country. These bottoms are all possessed by individuals. But the

spaces between river and river are mere banks of sand; and in East Florida there are neither rivers, nor consequently any bottoms. We cannot then make anything by a sale of the lands to individuals. So that it is peace alone which makes it an object with us, and which ought to make the cession of it desirable to France. Whatever power, other than ourselves, holds the country east of the Mississippi becomes our natural enemy. Will such a possession do France as much good, as such an enemy may do her harm? And how long would it be hers, were such an enemy, situated at its door, added to G Britain? I confess, it appears to me as essential to France to keep at peace with us, as it is to us to keep at peace with her; and that, if this cannot be secured without some compromise as to the territory in question, it will be useful for both to make some sacrifices to effect the compromise.

You see, my good friend, with what frankness I communicate with you on this subject; that I hide nothing from you, and that I am endeavoring to turn our private friendship to the good of our respective countries. And can private friendship ever answer a nobler end than by keeping two nations at peace, who, if this new position which one of them is taking were rendered innocent, have more points of common interest, and fewer of collision, than any two on earth; who become natural friends, instead of natural enemies, which this change of position would make them. My letters of Apr. 25, May 5, and this present one have been written, without any disguise, in this view; and

while safe in your hands they can never do anything but good. But you and I are now at that time of life when our call to another state of being cannot be distant, and may be near. Besides, your government is in the habit of seizing papers without notice. These letters might thus get into hands, which, like the hornet which extracts poison from the same flower that yields honey to the bee, might make them the ground of blowing up a flame between our two countries, and make our friendship and confidence in each other effect exactly the reverse of what we are aiming at. Being yourself thoroughly possessed of every idea in them, let me ask from your friendship an immediate consignment of them to the flames. That alone can make all safe and ourselves secure.

I intended to have answered you here, on the subject of your agency in the transacting what money matters we may have at Paris, and for that purpose meant to have conferred with Mr. Gallatin. But he has, for 2. or 3. days, been confined to his room, and is not yet able to do business. If he is out before Mr. Monroe's departure, I will write an additional letter on that subject. Be assured that it will be a great additional satisfaction to me to render services to yourself & sons by the same acts which shall at the same time promote the public service. Be so good as to present my respectful salutations to Made. Dupont, & to accept yourself assurances of my constant and affectionate friendship and great respect.

TO THE U. S. MINISTER TO FRANCE. J. MSS.

(ROBERT R. LIVINGSTON.)

WASHINGTON, Feb. 3, 1803.

DEAR SIR,—My last to you was by Mr. Dupont. Since that I received yours of May 22. Mr. Madison supposes you have written a subsequent one which has never come to hand. A late suspension by the Intendant of N Orleans of our right of deposit there, without which the right of navigation is impracticable, has thrown this country into such a flame of hostile disposition as can scarcely be described. The western country was peculiarly sensible to it as you may suppose. Our business was to take the most effectual pacific measures in our power to remove the suspension, and at the same time to persuade our countrymen that pacific measures would be the most effectual and the most speedily so. The opposition caught it as a plank in a shipwreck, hoping it would enable them to tack the Western people to them. They raised the cry of war, were intriguing in all the quarters to exasperate the Western inhabitants to arm & go down on their own authority & possess themselves of New Orleans, and in the meantime were daily reiterating, in new shapes, inflammatory resolutions for the adoption of the House. As a remedy to all this we determined to name a minister extraordinary to go immediately to Paris & Madrid to settle this matter. This measure being a visible one, and the person named peculiarly proper with the Western country, crushed at once & put an end to all further attempts on the Legislature. From that moment all has become quiet; and the more readily in the Western country, as the sudden alliance of these new federal friends had of itself already began to make them suspect the wisdom of their own course. The measure was moreover proposed from another cause. We must know at once whether we can acquire N Orleans or not. We are satisfied nothing else will secure us against a war at no distant period; and we cannot press this reason without beginning those arrangements which will be necessary if war is hereafter to result. For this purpose it was necessary that the negotiators should be fully possessed of every idea we have on the subject, so as to meet the propositions of the opposite party, in whatever form

they may be offered; and give them a shape admissible by us without being obliged to await new instructions hence. With this view, we have joined Mr. Monroe to yourself at Paris, & to Mr. Pinkney at Madrid, altho' we believe it will be hardly necessary for him to go to this last place. Should we fail in this object of the mission, a further one will be superadded for the other side of the channel. On this subject you will be informed by the Secretary of State, & Mr. Monroe will be able also to inform you of all our views and purposes. By him I send another letter to Dupont, whose aid may be of the greatest service, as it will be divested of the shackles of form. The letter is left open for your perusal, after which I wish a wafer stuck in it before it be delivered. The official and the verbal communications to you by Mr. Monroe will be so full and minute, that I need not trouble you with an inofficial repetition of them. The future destinies of our country hang on the event of this negotiation, and I am sure they could not be placed in more able or more zealous hands. On our parts we shall be satisfied that what you do not effect, cannot be effected. Accept therefore assurances of my sincere & constant affection and high respect.

P. S. Feb. 10. your letters of May 4. & Oct. 28. never came to my hands till last night. I am sincerely sorry for the misunderstanding therein explained. As Mr. Sumpter has long since asked & received permission to retire from his office, it cannot be necessary for me to say anything on the subject but that I hope the dispositions to conciliate therein manifested, will be cherished and carried into effect by both.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN).

Feb. 10, 1803.

I inclose you Crowninshield's and Jibaut's letters recommending Stevens and Storer. Storer was also recommended by Mr. Lincoln. Illsley by Genl. Dearborn. The circumstance of exhibiting our recommendations even to our friends, requires great

consideration. Recommendations, when honestly written should detail the bad as well as good qualities of the person recommended. That gentleman may do freely, if they know their letter is to be confined to the president or the head of a department. But if communicated further it may bring on them troublesome quarrels. In Gl. Washington's time he resisted every effort to bring forth his recommendations. In Mr. Adams time I only know that the republicans knew nothing of them. I have always considered the controul of the Senate as meant to prevent any bias or favoritism in the President towards his own relations, his own religion, towards particular states &c. and perhaps to keep very abnoxious persons out of offices of the first grade. But in all subordinate cases I have ever thought that the selection made by the President ought to inspire a general confidence that it has been made on due inquiry and investigation of character, and that the Senate should interpose their negative only in those particular cases where something happens to be within their knowlege, against the character of the person and unfitting him for the appointment. To Mr. Tracy at any rate no exhibition or information of recommendations ought to be communicated. He may be told that the President does not think it regular to communicate the grounds or reasons of his decision. Friendly salutations and respect.

P. S. To exhibit recommendations would be to turn the Senate into a court of honor, or a court of slander, and to expose the character of every man nominated to an ordeal, without his own consent, subjecting the Senate to heats and waste of time, of which those who were present at the nomination of Colo. W. S. Smith, have seen an example. There a committee sat weeks in judgment upon scandal from every quarter.

TO BENJAMIN HAWKINS. J. MSS.

WASHINGTON, Feb. 18, 1803.

DEAR SIR,—Mr. Hill's return to you offers so safe a conveyance for a letter, that I feel irresistibly disposed to write one, tho' there is but little to write

about. You have been so long absent from this part of the world, and the state of society so changed in that time, that details respecting those who compose it are no longer interesting or intelligible to you. One source of great change in social intercourse arose while you were with us, tho' it's effects were as yet scarcely sensible on society or government. I mean the British treaty, which produced a schism that went on widening and rankling till the years '98, '99, when a final dissolution of all bonds, civil & social, appeared imminent. In that awful crisis, the people awaked from the phrenzy into which they had been thrown, began to return to their sober and ancient principles, & have now become five-sixths of one sentiment, to wit, for peace, economy, and a government bottomed on popular election in its legislative & executive branches. In the public counsels the federal party hold still one-third. This, however, will lessen, but not exactly to the standard of the people; because it will be forever seen that of bodies of men even elected by the people, there will always be a greater proportion aristocratic than among their constituents. The present administration had a task imposed on it which was unavoidable, and could not fail to exert the bitterest hostility in those opposed to it. The preceding administration left 99. out of every hundred in public offices of the federal sect. Republicanism had been the mark on Cain which had rendered those who bore it exiles from all portion in the trusts & authorities of their country. This description of citizens called imperiously & justly for a restoration of right.

It was intended, however, to have yielded to this in so moderate a degree as might conciliate those who had obtained exclusive possession; but as soon as they were touched, they endeavored to set fire to the four corners of the public fabric, and obliged us to deprive of the influence of office several who were using it with activity and vigilance to destroy the confidence of the people in their government, and thus to proceed in the drudgery of removal farther than would have been, had not their own hostile enterprises rendered it necessary in self-defence. But I think it will not be long before the whole nation will be consolidated in their ancient principles, excepting a few who have committed themselves beyond recall, and who will retire to obscurity & settled disaffection.

Altho' you will receive, thro' the official channel of the War Office, every communication necessary to develop to you our views respecting the Indians, and to direct your conduct, yet, supposing it will be satisfactory to you, and to those with whom you are placed, to understand my personal dispositions and opinions in this particular, I shall avail myself of this private letter to state them generally. I consider the business of hunting as already become insufficient to furnish clothing and subsistence to the Indians. The promotion of agriculture, therefore, and household manufacture, are essential in their preservation, and I am disposed to aid and encourage it liberally. This will enable them to live on much smaller portions of land, and indeed will render their vast forests useless

but for the range of cattle; for which purpose, also, as they become better farmers, they will be found useless, and even disadvantageous. While they are learning to do better on less land, our increasing numbers will be calling for more land, and thus a coincidence of interests will be produced between those who have lands to spare, and want other necessaries, and those who have such necessaries to spare, and want lands. This commerce, then, will be for the good of both, and those who are friends to both ought to encourage it. You are in the station peculiarly charged with this interchange, and who have it peculiarly in your power to promote among the Indians a sense of the superior value of a little land, well cultivated, over a great deal, unimproved, and to encourage them to make this estimate truly. The wisdom of the animal which amputates & abandons to the hunter the parts for which he is pursued should be theirs, with this difference, that the former sacrifices what is useful, the latter what is not. In truth, the ultimate point of rest & happiness for them is to let our settlements and theirs meet and blend together, to intermix, and become one people. Incorporating themselves with us as citizens of the U. S., this is what the natural progress of things will of course bring on, and it will be better to promote than to retard it. Surely it will be better for them to be identified with us, and preserved in the occupation of their lands, than be exposed to the many casualties which may endanger them while a separate people. I have little doubt but that your reflections must have led you to view the various ways in which their history

may terminate, and to see that this is the one most for their happiness. And we have already had an application from a settlement of Indians to become citizens of the U. S. It is possible, perhaps probable, that this idea may be so novel as that it might shock the Indians, were it even hinted to them. Of course, you will keep it for your own reflection; but, convinced of its soundness, I feel it consistent with pure morality to lead them towards it, to familiarize them to the idea that it is for their interest to cede lands at times to the U S, and for us thus to procure gratifications to our citizens, from time to time, by new acquisitions of land. From no quarter is there at present so strong a pressure on this subject as from Georgia for the residue of the fork of Oconee & Ockmulgee; and indeed I believe it will be difficult to resist it. As it has been mentioned that the Creeks had at one time made up their minds to sell this, and were only checked in it by some indiscretions of an individual, I am in hopes you will be able to bring them to it again. I beseech you to use your most earnest endeavors; for it will relieve us here from a great pressure, and yourself from the unreasonable suspicions of the Georgians which you notice, that you are more attached to the interests of the Indians than of the U S, and throw cold water on their willingness to part with lands. It is so easy to excite suspicion, that none are to be wondered at; but I am in hopes it will be in your power to quash them by effecting the object.

Mr. Madison enjoys better health since his removal to this place than he had done in Orange. Mr. Giles

is in a state of health feared to be irrecoverable, although he may hold on for some time, and perhaps be re-established. Browze Trist is now in the Mississippi territory, forming an establishment for his family, which is still in Albemarle, and will remove to the Mississippi in the spring. Mrs. Trist, his mother, begins to yield a little to time. I retain myself very perfect health, having not had 20. hours of fever in 42 years past. I have sometimes had a troublesome headache, and some slight rheumatic pains; but now sixty years old nearly, I have had as little to complain of in point of health as most people. I learn you have the gout. I did not expect that Indian cookery or Indian fare would produce that; but it is considered as a security for good health otherwise. That it may be so with you, I sincerely pray, and tender you my friendly and respectful salutations.

TO THOMAS McKEAN. J. MSS.

WASHINGTON, Feb. 19, 1803.

DEAR SIR,—Your's of the 7th inst. has been duly received. The late election in Pennsylvania has to be sure been a triumphant proof of the progress of the Republican spirit: and must afford great consolation to yourself personally, as a mark of the public approbation of your administration. I believe we may consider the mass of the states south & west of Connecticut & Massachusetts as now a consolidated body of republicanism. In Connecticut, Massachusetts & N. Hampshire there is still a federal ascend-

ancy, but it is near it's last. If we can settle happily the difficulties of the Mississippi, I think we may promise ourselves smooth seas during our time. The Federal candidates for the general government I believe are certainly to be Mr. King & Genl. Pinckney. Of this I believe you may be assured. Mr. Ross so strongly marked by popular rejection in his late competition with you, and to retire from the Senate within a few days by a like rejection by the representatives of his state, is setting himself up by his war movements here as if he were their only friend, & the only person who has their confidence. (I have been told he has declared the people of his quarter would go of their own authority & take N. Orleans, & that he would head them himself). But I rather suppose it sufficient, that a measure has his approbation, to produce their distrust of it. Mr. Harris has been informed that a consulship (I believe it is at Rotterdam) is vacant, if it will suit him. For Mr. T. Rodney I should certainly be glad to do any service; but really do not foresee any vacancy likely to happen where he could be employed. So also as to Mr. McLanachan. The fact is that we have put down the great mass of offices which gave such patronage to the President of the U. S. These had been so numerous, that presenting themselves to the public eye at all times & places, office began to be looked to as a resource for every man whose affairs were getting into derangement, or who was too indolent to pursue his profession, and for young men just entering into life. In short it was poisoning the

very source of industry, by presenting an easier resource for a livelihood, and was corrupting the principles of the great mass of those who passed a wishful eye on office. The case is now quite changed. We have almost nothing to give, in such a state as Pennsylvania for instance, I recollect but 6. offices within my appointment, 3. of which are of the law, & 3. in the customs. For I do not count the commissioners of bankruptcy, who will so soon be put down with the law. While the habit of looking for office therefore continues, the means of gratifying it have been given up.

On the subject of prosecutions, what I say must be entirely confidential, for you know the passion for torturing every sentiment & word which comes from me. The federalists having failed in destroying the freedom of the press by their gag-law, seem to have attacked it in an opposite form, that is by pushing it's licentiousness & it's lying to such a degree of prostitution as to deprive it of all credit. And the fact is that so abandoned are the tory presses in this particular that even the least informed of the people have learnt that nothing in a newspaper is to be believed. This is a dangerous state of things, and the press ought to be restored to it's credibility if possible. The restraints provided by the laws of the states are sufficient for this if applied. And I have therefore long thought that a few prosecutions of the most prominent offenders would have a wholesome effect in restoring the integrity of the presses. Not a general prosecution, for that would look like

persecution : but a selected one. The paper I now inclose appears to me to offer as good an instance in every respect to make an example of, as can be selected. However of this you are the best judge. I inclose it lest you should not have it. If the same thing be done in some other of the states it will place the whole band more on their guard. Accept my friendly salutations & assurances of my high respect & consideration.

TO BENJAMIN RUSH. J. MSS.

WASHINGTON, Feb. 28, 1803.

DEAR SIR,—I wish to mention to you in confidence that I have obtained authority from Congress to undertake the long desired object of exploring the Missouri & whatever river, heading with that, leads into the western ocean. About 10. chosen woodsmen headed by Capt. Lewis my secretary will set out on it immediately & probably accomplish it in two seasons. Capt. Lewis is brave, prudent, habituated to the woods, & familiar with Indian manners and character. He is not regularly educated, but he possesses a great mass of accurate observation on all the subjects of nature which present themselves here, & will therefore readily select those only in his new route which shall be new. He has qualified himself for those observations of longitude & latitude necessary to fix the points of the line he will go over. It would be very useful to state for him those objects on which it is most desirable he should bring us information.

For this purpose I ask the favor of you to prepare some notes of such particulars as may occur in his journey & which you think should draw his attention & enquiry. He will be in Philadelphia about 2. or 3. weeks hence & will wait on you.

I have owed, now a twelve month, an answer to your very friendly letter of Mar. 12, 1802. But when certain things press, & others will bear delay, we naturally take up the former, & the latter lie over. After all my life having enjoyed the benefit of well formed organs of digestion, and departation, I was 2 years ago taken with the diarrhoea, after having dined moderately on fish which had never affected me before. In the course of 2 or 3 weeks it wore me down by the frequency of calls, but then got so much better as to call on me but once a day, but still of watery consistence, and distressing me with troublesome barberygmi. For a twelve month past however these circumstances are more favorable and though they continue to a certain degree I enjoy good health. In the course of it I have made experiments of every kind of diet, & regimen: and I find that fish is the only article which affects me; & what is remarkable while fish & sturgeon affect me powerfully neither oysters nor crabs do. I find it important too to be moderate in the quantity of food. The stomach has never failed in the least, but performs its functions most perfectly: the bowels alone are weak and labor in their operations. I have troubled you with these details because your frienship called for them. I have found that riding is my

remedy. A journey brings me to my antient habits for some days, and daily rides of an hour or two keep me free from the inconvenience from the visceral weakness. I see at present nothing more in it than a liability to a return whenever an unfavorable affection occurs in any part of my system. I doubt the effect of medicine in chronical cases of this kind at any period of life, and still more so at mine. The system however may perhaps gradully recover its strength. But these unlettered ideas are laid at your feet. Your information & experience will regard nothing but the facts; and certainly my confidence not only in your skill but your friendship will render truly valuable to me any ideas which you can without trouble throw on paper, for my government in the event of a return of the complaints to a troublesome degree; For at present it exists only in a perfectly innocent state. I pray you to accept assurances of my affectionate friendship & sincere respect.

TO THE SECRETARY OF STATE. J. MSS.
(JAMES MADISON.)

MONTICELLO, Mar. 22, 1803.

DEAR SIR,—Yours of the 17th is received. I concur in your ideas that the request from the Bey of Tunis of a frigate of 36. guns should be complacently refused. I think the greatest dispatch should be used in sending either the gun carriages or money to Simpson for the Emperor of Marocco, and the stores to Algiers; &, if you approve it, the powder *on account:* or perhaps it would be better to authorize the purchase of it in Europe on the Dey's agreeing to receive it on account. We must keep these two powers friendly by a steady course of justice aided occasionally with liberality.

Mr. Smith has suggested the sending another frigate. But no new fact justifies a change of plan. Our misfortune has been that our vessels have been employed in particular convoys, instead of a close blockade equivalent to universal convoy. I suppose Murray may be for sending more ships there. Every officer in the navy, & every merchant in the U. S. would be for that: because they see but one object, themselves. I see the federalists find one paper in Kentucky into which they can get what they write either here or there. Bradford's Guardian of freedom of Mar. 4 has a piece recommending immediate separation. A cool calculation of interest however would show that Eastern America would not be the greatest sufferer by that folly. Accept my affectionate salutations.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

MONTICELLO, Mar. 28, 1803.

DEAR SIR,—Yours of the 21st came to hand on the 25th. I now return the letters of Thornton and Muhlenberg with entire approbation of your answers. I am in all cases for a liberal conduct towards other nations, believing that the practice of the same friendly feelings and generous dispositions which attach individuals in private life will attach societies on the large scale, which are composed of individuals. I have for some time believed that Commodore Morris's conduct would require investigation. His progress from Gibralter has been astonishing. I know of but one supposition which can cover him; that is, that he has so far mistaken the object of his mission as to spend his time convoying. I do not know the fact; we gave great latitude to his discretion, believing he had an ambition to distinguish himself, and unwilling to check it by positive instructions.

I have for some time been satisfied a schism was taking place in Pennsylvania between the moderates and high-flyers. The same will take place in Congress whenever a proper head for the latter shall start up, and we must expect division of the same kind in other States as soon as the Republicans shall be so strong as to

fear no other enemy. I hope those of Philadelphia will not address on the subject of removals; it would be a delicate operation indeed. Briggs reserved till my return to decide; but he will accept. I had hoped to be with you by the 1st of April, but I now apprehend it will be that date before I can leave this place without leaving the objects of my visits unaccomplished. The thermometer is at 29° with us this morning, the peach-trees in blossom for a week past. Accept affectionate salutations.

SYLLABUS OF AN ESTIMATE OF THE MERIT OF THE DOCTRINES OF JESUS, COMPARED WITH THOSE OF OTHERS.[1]

J. MSS.

[April, 1803.]

In a comparative view of the Ethics of the enlightened nations of antiquity, of the Jews and of Jesus, no notice should be taken of the corruptions of reason among the ancients, to wit, the idolatry

[1] This was drawn up for Benjaim Rush, and was sent him with the following letter:

"WASHINGTON, Apr 21, 1803.

"DEAR SIR,—In some of the delightful conversations with you, in the evenings of 1798-99, and which served as an anodyne to the afflictions of the crisis through which our country was then laboring, the Christian religion was sometimes our topic; and I then promised you, that one day or other, I would give you my views of it. They are the result of a life of inquiry & reflection, and very different from that anti-Christian system imputed to me by those who know nothing of my opinions. To the corruptions of Christianty I am indeed opposed; but not to the genuine precepts of Jesus himself. I am a Christian, in the only sense he wished any one to be; sincerely attached to his doctrines, in preference to all others; ascribing to himself every *human* excellence; & believing he never claimed any other. At the short intervals since these conversations, when I could justifiably abstract my mind from public affairs, the subject has been under my contemplation. But the more I considered it, the more it expanded beyond the measure of either my time or information. In the moment of my late departure from Monticello, I received from Doctr Priestley, his little treatise of "Socrates & Jesus compared." This being a section of the general view I had taken of the field, it became a subject of reflection while on the road, and unoccupied otherwise. The result was, to arrange in my mind a syllabus, or outline of such an estimate of the comparative merits of Christianity, as I wished to see executed by some one of more leisure and information for the

& superstition of the vulgar, nor of the corruptions of Christianity by the learned among its professors.

Let a just view be taken of the moral principles inculcated by the most esteemed of the sects of ancient philosophy, or of their

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task, than myself. This I now send you, as the only discharge of my promise I can probably ever execute. And in confiding it to you, I know it will not be exposed to the malignant perversions of those who make every word from me a text for new misrepresentations & calumnies. I am moreover averse to the communication of my religious tenets to the public; because it would countenance the presumption of those who have endeavored to draw them before that tribunal, and to seduce public opinion to erect itself into that inquisition over the rights of conscience, which the laws have so justly proscribed. It behoves every man who values liberty of conscience for himself, to resist invasions of it in the case of others; or their case may, by change of circumstances, become his own. It behoves him, too, in his own case, no give to example of concession, betraying the common right of independent opinion, by answering questions of faith, which the laws have left between God & himself. Accept my affectionate salutations."

To Priestley, Jefferson had already written:

"WASHINGTON, Apr 9. 1803.

"DEAR SIR,—While on a short visit lately to Monticello, I received from you a copy of your comparative view of Socrates & Jesus, and I avail myself of the first moment of leisure after my return to acknolege the pleasure I had in the perusal of it, and the desire it excited to see you take up the subject on a more extensive scale. In consequence of some conversation with Dr. Rush, in the year 1798–99, I had promised some day to write him a letter giving him my view of the Christian system. I have reflected often on it since, & even sketched the outlines in my own mind. I should first take a general view of the moral doctrines of the most remarkable of the antient philosophers, of whose ethics we have sufficient information to make an estimate, say of Pythagoras, Epicurus, Epictetus, Socrates, Cicero, Seneca, Antoninus. I should do justice to the branches of morality they have treated well; but point out the importance of those in which they are deficient. I should then take a view of the deism and ethics of the Jews, and show in what a degraded state they were, and the necessity they presented of a reformation. I should proceed to a view of the life, character, & doctrines of Jesus, who sensible of incorrectness of their ideas of the Deity, and of morality, endeavored to bring them to the principles of a pure deism, and juster notions of the attributes of God, to reform their moral doctrines to the standard of reason, justice & philanthropy, and to inculcate the belief of a future state. This view would purposely omit the question of his

individuals; particularly Pythagoras, Socrates, Epicurus, Cicero, Epictetus, Seneca, Antoninus.

I. Philosophers. 1. Their precepts related chiefly to ourselves, and the government of those passions which, unrestrained,

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divinity, & even his inspiration. To do him justice, it would be necessary to remark the disadvantages his doctrines have to encounter, not having been committed to writing by himself, but by the most unlettered of men, by memory, long after they had heard them from him; when much was forgotten, much misunderstood, & presented in very paradoxical shapes. Yet such are the fragments remaining as to show a master workman, and that his system of morality was the most benevolent & sublime probably that has been ever taught, and consequently more perfect than those of any of the antient philosophers. His character & doctrines have received still greater injury from those who pretend to be his special disciples, and who have disfigured and sophisticated his actions & precepts, from views of personal interest, so as to induce the unthinking part of mankind to throw off the whole system in disgust, and to pass sentence as an impostor on the most innocent, the most benevolent, the most eloquent and sublime character that ever has been exhibited to man. This is the outline; but I have not the time, & still less the information which the subject needs. It will therefore rest with me in contemplation only. You are the person who of all others would do it best, and most promptly. You have all the materials at hand, and you put together with ease. I wish you could be induced to extend your late work to the whole subject. I have not heard particularly what is the state of your health; but as it has been equal to the journey to Philadelphia, perhaps it might encourage the curiosity you must feel to see for once this place, which nature has formed on a beautiful scale, and circumstances destine for a great one. As yet we are but a cluster of villages; we cannot offer you the learned society of Philadelphia; but you will have that of a few characters whom you esteem, & a bed & hearty welcome with one who will rejoice in every opportunity of testifying to you his high veneration & affectionate attachment.

An undated memorandum in the Jefferson MSS. is evidently the draft of a note with which Jefferson transmitted copies to his friends:

"A promise to a friend some time ago, executed but lately, has placed my religious creed on paper. I am desirous it should be perused by three or four particular friends, with whom tho' I never desired to make a mystery of it, yet no occasion has happened to occur of explaining it to them. It is communicated for their personal satisfaction & to enable them to judge of the truth or falsehood of the libels published on that subject. When read, the return of the paper with this cover is asked."

To Lincoln (April 26, 1803) he wrote:

"Mr. Lincoln is perfectly free to retain the copy of the syllabus & to make

would disturb our tranquillity of mind.[1] In this branch of philosophy they were really great.

2. In developing our duties to others, they were short and defective. They embraced, indeed, the circles of kindred & friends, and inculcated patriotism, or the love of our country in the aggregate, as a primary obligation: toward our neighbors & countrymen they taught justice, but scarcely viewed them as within the circle of benevolence. Still less have they inculcated peace, charity & love to our fellow men, or embraced with benevolence the whole family of mankind.

II. Jews. 1. Their system was Deism; that is, the belief of one only God. But their ideas of him & of his attributes were degrading & injurious.

2. Their Ethics were not only imperfect, but often irreconcilable with the sound dictates of reason & morality, as they respect intercourse with those around us; & repulsive & anti-social, as respecting other nations. They needed reformation, therefore, in an eminent degree.

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any use of it his discretion would approve, confident as Th: J. is that his discretion would not permit him to let it be copied lest it should get into print. In the latter case Th: J. would become the butt of every set of disquisitions which every priest would undertake to write on every tenet it expresses. Their object is not truth, but matter whereon to write against Th: J. and this synopsis would furnish matter for repeating in new forms all the volumes of divinity which are now mouldering on the shelves from which they should never more be taken. Th: J. would thank Mr. L. not to put his name on the paper in filing it away, lest in case of accident to Mr. L. it should get out."

[1] To explain, I will exhibit the heads of Seneca's & Cicero's philosophical works, the most extensive of any we have received from the ancients. Of 10. heads in Seneca, 7. relate to ourselves, to wit *de ira*, *consolatio*, *de tranquilitate*, *de constantia sapientis*, *de otio sapientis*, *de vita*, *beata*, *de brevitate vitæ*; 2 relate to others, *de clementia*, *de beneficiis*; & 1. relates to the government of the world, *de providentia*. Of 11 tents of Cicero, 5 respect ourselves, viz. *de finibus*, *Tusculana*, *academica*, *paradoxa*, *de Senectute*; 1. *de officiis*., partly to ourselves, partly to others; 1., *de amicitia*, relates to others; and 4. are on different subjects, to wit, *de natura deorum*, *de divinatione*, *de fato*, and *somnium Scipionis* — *T. J.*

Jefferson later in life began the preparation of a work which he called "The Life and Morals of Jesus of Nazareth" (see Randall, III, 656), but as it was never carried beyond a mere synopsis, it is not included in this collection.

III. Jesus. In this state of things among the Jews, Jesus appeared. His parentage was obscure; his condition poor; his education null; his natural endowments great; his life correct and innocent: he was meek, benevolent, patient, firm, disinterested, & of the sublimest eloquence.

The disadvantages under which his doctrines appear are remarkable.

1. Like Socrates & Epictetus, he wrote nothing himself.

2. But he had not, like them, a Xenophon or an Arrian to write for him. On the contrary, all the learned of his country, entrenched in its power and riches, were opposed to him, lest his labors should undermine their advantages; and the committing to writing his life & doctrines fell on the most unlettered & ignorant men; who wrote, too, from memory, & not till long after the transactions had passed.

3. According to the ordinary fate of those who attempt to enlighten and reform mankind, he fell an early victim to the jealousy & combination of the altar and the throne, at about 33. years of age, his reason having not yet attained the *maximum* of its energy, nor the course of his preaching, which was but of 3. years at most, presented occasions for developing a complete system of morals.

4. Hence the doctrines which he really delivered were defective as a whole, and fragments only of what he did deliver have come to us mutilated, misstated, & often unintelligible.

5. They have been still more disfigured by the corruptions of schismatising followers, who have found an interest in sophisticating & perverting the simple doctrines he taught by engrafting on them the mysticisms of a Grecian sophist, frittering them into subtleties, & obscuring them with jargon, until they have caused good men to reject the whole in disgust, & to view Jesus himself as an impostor.

Notwithstanding these disadvantages, a system of morals is presented to us, which, if filled up in the true style and spirit of the rich fragments he left us, would be the most perfect and sublime that has ever been taught by man.

The question of his being a member of the Godhead, or in direct communication with it, claimed for him by some of his followers,

and denied by others, is foreign to the present view, which is merely an estimate of the intrinsic merit of his doctrines.

1. He corrected the Deism of the Jews, confirming them in their belief of one only God, and giving them juster notions of his attributes and government.

2. His moral doctrines, relating to kindred & friends, were more pure & perfect than those of the most correct of the philosophers, and greatly more so than those of the Jews; and they went far beyond both in inculcating universal philanthropy, not only to kindred and friends, to neighbors and countrymen, but to all mankind, gathering all into one family, under the bonds of love, charity, peace, common wants and common aids. A development of this head will evince the peculiar superiority of the system of Jesus over all others.

3. The precepts of philosophy, & of the Hebrew code, laid hold of actions only. He pushed his scrutinies into the heart of man; erected his tribunal in the region of his thoughts, and purified the waters at the fountain head.

4. He taught, emphatically, the doctrines of a future state, which was either doubted, or disbelieved by the Jews; and wielded it with efficacy, as an important incentive, supplementary to the other motives to moral conduct.

TO JOHN BACON. J. MSS.

WASHINGTON, Apr. 30, 1803.

DEAR SIR,—Your favor of the 11th has been received, & I thank you for the communication on Indian affairs. I observe what you say on the aspect of your elections. Although federalism appears to have boasted prematurely of it's gains, yet it does not appear to have yielded as we might have expected to the evidence either of their reason or their senses. Two facts are certainly as true as irreconcileable. The people of Massachusetts love economy and freedom, civil & religious. The present legislative &

executive functionaries endeavor to practice economy & to strengthen civil & religious freedom. Yet they are disapproved by the people of Massachusetts. It cannot be that these had rather give up principles than men. However the riddle is to be solved, our duty is plain, to administer their interests faithfully & to overcome evil with good.

You have seen that the government of Spain has instantly redressed the infraction of treaty by her intendant at New Orleans ; and that, by a reasonable and peaceable process, we have obtained in 4. months, what would have cost us 7. years of war, 100,000 human lives, 100 millions of additional debt, besides ten hundred millions lost by the want of market for our produce, or depredations on it in seeking markets, and the general demoralizing of our citizens which war occasions. I have the satisfaction to add that we have received official information that in the instrument cession of Louisiana by Spain to France, is this clause 'saving the right acquired by other powers in virtue of treaties made with them by Spain.' Although I am not sanguine in obtaining a cession of New Orleans for money, yet I am confidant in the policy of putting off the day of contention for it, till we are stronger in ourselves, & stronger in allies, but especially till we shall have planted such a population on the Mississippi as will be able to do their own business, without the necessity of marching men from the shores of the Atlantic 1500 or 2000 miles thither, to perish by fatigue & change of climate. Accept my friendly salutations & assurances of high respect.

P. S. I inclose you a pamphlet.

TO THE POSTMASTER GENERAL. J. MSS.

(GIDEON GRANGER.)

WASHINGTON, May 8, 1803.

DEAR SIR,—I promised to inform you of the result of the Virginia elections. One only has issued differently from what I expected; that is the Eastern shore district. The 2. Eastern shore counties were almost in the [*faded*] a body of tories during the revolutionary war, among whom we were obliged to station a regiment or two to keep them in order. They have never lost that spirit. They have now given 735 federal votes & 33 republican. There being some division in the western shore counties of the residue of the district, the federal candidate has carried it by a majority of about 150. out of about 1920 votes given in the whole district, say 1000 against 900. Brent's case you have [*faded*] a Fed., by a majority not yet known. [*faded*] He had been living in the state but one year, unfortunately had attached interest enough to him to be able to prevent Lawrence Washington (nephew of the General and) a good republican, who could otherwise have been elected with certainty. Holmes, where the Feds counted to carry their man, got 1000 against [*faded*] Jackson where they had been very sure also, carried his by about 200. We have therefore 2. black sheep in our flock of 22. Monroe's appointment was known at Paris Feb. 24. He may be expected to have arrived there the middle of Apr. In the Journal des [*faded*] (the special paper of Buonaparte, edited by his secretary) is a pretty long tirade against those, whom they call Anglo-men, in the U. S. for endeavoring to irritate our citizens against France by pretending that the act of the intendant of N. Orleans was dictated by France, and quoting with approbation the republican papers which proved that the body of our nation had seen through the wicked design 'de ces feuilles excitratices,' (these inflammatory papers.) The ground of war between England and France is much deeper & more irremoveable than the public are aware. I consider it as next to impossible that they should compromise the real difference. Accept my affectionate & respectful salutations.

TO CHRISTOPHER ELLERY.[1] J. MSS.

WASHINGTON, May 19, 1803.

DEAR SIR,—I have lately received a letter from Ingraham, who is in prison under a ca. sa. on a judgement of 14000 dollars & costs, one moiety (I presume) to the U. S. for having been the master of a vessel which brought from Africa a cargo of the natives of that country to be sold in slavery. He petitions for a pardon, as does his wife on behalf of herself, her children & his mother. His situation, as far as respects himself, merits no commiseration: that of his wife, children & mother, suffering for want of his aid, does: so also does the condition of the unhappy human beings whom he forcibly brought away from their native country, & whose wives, children & parents are now suffering for want of their aid & comfort. Between these two sets of suffering beings whom his crimes have placed in that condition, we are to apportion our commiseration. I presume his conviction was under the act of 1794, c. 11—which inflicts pecuniary punishment only, without imprisonment, as that punishment was sometimes evaded by the insolvency of the offenders, the legislature in 1800, added for subsequent cases, imprisonment not exceeding 2 years. Ingraham's case is exactly such an one as the law of 1800 intended to meet; and tho' it could not be retrospective, yet if its measure be just now, it would have been just then, and consequently we shall act according to the views of the legislature, by restricting his imprisonment to their maximum of 2

[1] From the *Historical Magazine*, VII, 260.

years, instead of letting it be perpetual as the law of '94, under which he was convicted, would make it, in his case of insolvency. He must remain therefore the 2 years in prison: and at the end of that term I would wish a statement by the Judges & District attorney, who acted in the cause, of such facts as are material, & of their judgment on them, recommending him, or not, at their discretion, to pardon at the end of 2 years or any other term they think will be sufficient to operate as a terror to others meditating the same crime, without losing a just attention to the sufferings of his family. This of course can only respect the moiety of the U. S. The interest you took in this case during the last Congress has encouraged me to hope you would lend your instrumentality to the bringing it to a close, which would gratify me, so far as it could be done without abusing the power of pardon, confided to the discretion of the Executive to be used in cases, which tho' within the words, are not within the intention of the law. The law certainly did not intend perpetual imprisonment. Accept my friendly salutations and high respect.

TO THE POSTMASTER GENERAL. J. MSS.

(GIDEON GRANGER.)

WASHINGTON, May 20, 1803.

DEAR SIR,—I received last night yours of the 13th and rejoice that in some forms, tho' not in all, republicanism shews progress in Connecticut. As clerical bondage is the root of the evil, I have more hopes, from the petition you enclosed me, of seeing that loosened, than from any other agency. The lawyers, the other pillar of federalism, are from the nature of their calling so

ready to take either side, that as soon as they see as much, or perhaps more money to be got on one side than the other, they will tack over. The clergy are unwilling to exchange the certain resource of legal compulsion for the uncertain one of their own merit & industry. Although the solidity & duration of republicanism in these states is so certain, that I would not give one dollar to ensure it's ascendancy during our lives, yet the three federal states of New England withdrawn from their affections to the constituted authorities, form a stock on which the feeble branches of federalism in the other states engraft themselves, nourish the malcontent habits, & keep open the bleeding wounds of society. Their recognition therefore of their own principles in those from whom they have been persuaded to separate is desirable as well to harmonize as to consolidate the strength of the union. It is possible my letter may have led you into an error in which I may have been myself. It is now said by the federalists that another tory Lewis is elected in opposition to Moore. And they make it probable by stating the fact that another republican candidate took from Moore 400. votes, which gave a majority of 200. to Lewis when Moore would otherwise have had a majority of 200. If this be true, we shall have 4. federalists out of 22. in Congress. This is the more curious as in our legislature we shall have but 15. out of 200. But the fact is that there is so little federalism in Virginia that it is not feared, nor attended to, nor a principle of voting. What little we have is in the string of Presbyterian counties in the valley between the blue ridge & North Mountain where the clergy are as bitter as they are in Connecticut. Our advices from Paris & London are to the last of March. War, tho' deprecated by Buonaparte, will hardly be avoided. Accept my friendly salutations & respects.

TO LEVI LINCOLN. J. MSS.

June 1, 1803.

On reading a paragraph in the N. Y. Evening Post, I took up my pen to write a squib on it; but the subject run away with me till I found I had

written a treatise. It is one on which I have a great desire to reconcile the parties among the republicans, & the paragraph in the post seemed to offer an occasion of taking just ground & introducing a public discussion of it, on which I have no doubt the opinion of all candid men would settle together with that of the executive. The interest I take in the question made me willing to hazard a few lines for the press, altho' I have thro' life scrupulously refrained from it; inasmuch that this is but the second instance of my being willing to depart from my rule. I have written it under the character of a Massachusetts citizen, with a view to it 's appearing in a paper there. The Chronicle I suppose is most read, but how to get it there [*faded*] of the evidence of my handwriting. Think of this if you please; correct the paper also to make it what it should be, & we will talk of it the first time we meet. Friendly salutations, & religious silence about it.[1]

[1] The following is the article:

"Federalism returning to reason, tho' not to good manners. No matter. Decency will come in turn, when outrages on it are found to reflect only on those who commit them.

"The symptom of returning reason to those pitiable maniacs is the following paragraph in the N. York evening post of May 24, where, speaking of the removal of Mr. Rogers, the naval officer, a revolutionary tory, an Englishman & not even a citizen, till the expectation of office suggested to him the expediency of becoming one, & of the appointment of Mr. Osgood, a member of the Old Congress & President of it's board of treasury, & postmaster general under the administration of Genl. Washington, Mr. Coleman says "The Democrats have not long since had the imprudence & *contempt of truth* to declare, that, notwithstanding the removals, the Federalists hold still a greater number of offices than they do themselves. In answer to which we have sometimes replied that, in point of value there was no comparison, and that every office of any value, *in this city* at least, if not in the U. S. except one, had been transferred to the Jeffersonian sect, and that one is now gone." And

ANSWER TO GABRIEL JONES.[1]

J. MSS.

June, 1803.

Mr. Gabriel Jones has given to the public the statement of a pecuniary transaction of about 20. years ago, between the President & himself, with comments of so angry a complection as to excite at once doubts in the mind of a candid reader that there must have been something more in the case than is there presented to the view. In truth the history of the times is so necessary to the explanation of the money tranactions of the day, that these cannot be understood without a recurrence to that, and with this recurrence alone, Mr. Jones own facts will enable us to judge whether, like many others, he has not suffered his political antipathies to distort his estimate of characters, whose "*honour, honesty* & *integrity*" proved to him in more dispassionate times himself acknowledged to have "*inspired him with the highest confidence.*"

Mr. Jefferson on some emergency borrowed £.50 of Mr. Jones who was in the habit of lending money on interest, and gave his bond for repaiment. This, Mr. Jones says, was in the autumn 1773, consequently about the period of the destruction of the tea in Boston, which was followed by Genl. Gage's arrival in Boston with an army, and by other events in rapid succession which brought on the Revolution, & suspended in a great degree the

then he goes on with his usual scurrilities against the chief magistrate of his country, which shall not be here repeated; and with references to the President's reply to the New Haven remonstrance. I remember that in that reply it was asked whether it is political intolerance for the majority to claim *a proportionate share* in the direction of the public affairs? And, if a *due participation* of office is a matter of right, how is it to be obtained but by some removals, when nearly the whole offices of the U. S. are monopolized by a particular political sect? The reasonableness of this claim of *due proportion* of office was felt by every candid man at the first blush. But it did not accord with the feelings of Federalists. Nothing but a continuance in their monopoly of office could satisfy them: and, on the removal of the first individual, the whole band opened on the violation of their sanctuary of office, as if a general sweep had been made of every Federalist within its pale. After much uproar however repeated on every single removal, not finding in the President that want of nerve which with atheism, hypocrisy, malice &c. &c. &c., they have so

[1] See vol. II, page 181.

ordinary intercourse of business. This state of things, & the known habit of Mr. Jones of leaving his money at interest in good hands, may furnish the reasons why his £50 in this instance were not repaid so soon as contemplated. All the hard money of the U. S. was suddenly exported to procure arms, ammunition and other necessaries for the times, and it's place was supplied by emissions of paper merely bottomed on the faith of the nation.

iberally lent him, but that on the contrary, regardless of their barking he proceeded steadily towards his object of restoring to the excluded republicans some participation in office, they find it expedient to lower their tone a little. They can now bear to talk themselves of an *equal number*, instead of a monopoly of offices. This is well, as a first symptom; & we hope, in the progress of convalescence, they will become able to bear the idea of a *due proportion*. On this ground we are ready to compromise with them: and I ask what is their due proportion? I suppose the relative numbers of the two parties will be thought to fix it; and that, judging from the elections, we over-rate the Federalists at one third or fourth of the whole mass of our citizens. In a few states, say New Hampsh. Massachus. & Connecticut, they have a greater proportion; but in the others much less. By Mr. Coleman's expression that every office in this city (New York) is transferred to the Jeffersonian sect,' it seems expected that the distribution of office, in every town & county taken by itself is to be in proportion to it's party division. This is impossible. It is questionable whether the scale of proportion can even be known and preserved in individual states, and whether we must not be contented with considering all the states as forming a single mass. I am not qualified to say, taking the state of New York by itself, how its parties are proportioned either in numbers or in offices. But I think it probable that, if Mr. Coleman will extend his views beyond the limits of the city, through the whole state, he will find his brethren possessing much more than their *due share* of office. I invite him to this examination, and doubt not the republicans of New York will attend to his statements, and correct them if erroneous. Confining myself to my own state, that I may speak only of what I know, I can assure Mr. Coleman that we are far below our *just proportion*. The Roll of offices published by Congress at their session before the last, informs me that in the revenue department alone of Massachusetts, there are 183. officers; of whom 33. are appointed by the President. Of these he has removed 7. either on the principle of participation, or because they were active, bitter and indecent opposers of the existing legislature & Executive. I will name them that I may be corrected if I am wrong, not meaning willfully to misstate anything. They were, Lee of Penobscot, Head of Waldoboro', Tuck & Whittermore of Glouceste r, Tyng of Newburyport, Fosdyck of Portland, & Pickman of Salem. There have been two or three other removals in this state, but we have understood they were for misconduct. In Boston alone are about 30. revenue officers

Of this faith the Whigs had no doubt, and the money maintained it's ground at par for a considerable time. And even when successive emissions, aided by the efforts of the disaffected, had begun to make an impression on it, the Whigs were still confident it would be redeemed dollar for dollar, & therefore continued to receive & pay it for par. In Jany. & May 1779 Congress by circular letters, encouraged their fellow citizens to maintain the

dependent on the collector, who, with the naval officer, surveyor & revenue inspectors, receive under the general government between 40 & 50,000 D. a year, the whole weight of whose numbers, patronage and connections is actively exerted in opposition to that government, and renders the issue of the Boston election always doubtful; when, if shifted into the scale which is in support of the government, there would no longer be any question, and Boston, one of the great cities of the U. S. would arrange herself, at her proper post, under the banners of the Union. And at the head of this massive phalanx is a character, otherwise respectable and meritorious; but certainly not so when leading processions & joining in dinners, where toasts the most insulting and outrageous against the President personally & other constituted authorities, & calculated to excite seditious combinations against the authority of the union, are drank with riotous acclamations within & announced with the law of cannon without. If Mr. Coleman counts the continuance of this gentleman in office among the proofs of the intolerance of the President, I can furnish him more such. In the judiciary department we had imagined, that the judges being federal, republican attorneys & marshals would be appointed to molify in the execution what is rigorously decreed; & that republicans might find in our courts some of that protection which flows from fellow-feeling, while their opponents enjoy that which the laws are made to pronounce. In some of the states this has been done. But here I see Mr. Bradford still holding the office of marshal, to execute federally what the judges shall federally decree: an office too of great patronage & influence in this state, & acting with all its dependencies heavily in our elections. While in the expressions of my opinion I yield sincere respect to the authorities of my country, due to their own worth, as well as to the will of the nation establishing them, yet I am free to declare my opinion, that they are wrong in retaining this person in office. I respect his private character; but his political bias unfits him for qualifying that of the court. In the post-offices of Massachusetts are about 200. officers. I know not how many may have been removed by the postmaster Genl, but judging by the sound in the federal papers, which is never below truth, I should conjecture a very small proportion indeed. It should be observed too that these offices are solely within the gift & removal of the Post Mast Genl the President & Senate having nothing to do with them.

"Hitherto I have spoken of the Federalists as if they were a homogeneous body, but this is not the truth. Under that name lurks the heretical sect of

credit of their paper; represented to them the false policy of asking 'enormous prices for the product of their farms, when a little reflection might convince them that it was injurious to their interests, & to the general welfare;' and affirmed that the whole emissions (which as late as Sep. 3. 1779 they stated at less than 160 millions) might 'without public inconvenience or private distress, be cancelled by taxes in a period so limited as must leave the possessor of the bills satisfied with his security.' Such was the Whig sentiment as late as Sep. 79. The offer of paiment by Mr. Jefferson had been in April preceding. It was the only one he could offer, for a paiment in hard money was then impossible. Mr. Jones, not chusing to receive it, sent it back to Mr. Jefferson, with his bond, under a blank cover; & Mr. Jefferson not meaning to cancel the debt, returned the bond to Mr. Jones

monarchists. Afraid to wear their own name they creep under the mantle of federalism, and the federalists, like sheep, permit the fox to take shelter among them, when pursued by the dogs. These men have no right to office. If a monarchist be in office anywhere, and it be known to the President, the oath he has taken to support the constitution imperiously requires the instantaneous dismission of such officer; and I should hold the President highly criminal if he permitted such to remain. To appoint a monarchist to conduct the affairs of a republic, is like appointing an atheist to the priesthood, but as to the reaf Federalists, I take them to my bosom as brothers: I view them as honest men, friends to the present constitution. Our difference has been about measures only, which now having passed away should no longer divide us. It was how we should treat France for the injuries offered us? They thought the occasion called for Armies & navies, that we should burthen ourselves with taxes, and our posterity with debts at exorbitant interest: that we should pass alien & sedition laws, punishing men with exile without trial by jury, & usurping the regulation of the press, exclusively belonging to the state governments. We thought some of these measures inexpedient, others unconstitutional. They, however, were the majority, they carried their opinions into effect, & we submitted. The measures themselves are now done with, except the debts contracted, which we are honestly proceeding to pay off. Why then should we longer be opposed to each other? I confess myself of opinion that this portion of our fellow-citizens should have a just participation of office, and am far from concurring with those who advocate a general sweep, without discriminating between Federalist & Monarchist. Should not these recollect their own complaints against the late administration for proscribing them from all public trust? And shall we now be so inconsistent as to act ourselves on the very principle we then so highly condemned! To countenance the anti-social

under a blank cover also ; the inference from which was plainly that Mr. Jefferson was willing, as Mr. Jones seemed to be, to let the matter lie over till there should be hard money to pay it. But Mr. Jones finds ground of crimination even in the mode of conveying the letter. Yet he well knows that no cross posts existed at that day, & that indirect conveyances could alone be resorted to. The imputation he raises on this is as unjustifiable as it would be to impute to him a receipt of the letter in due time, & a willingness now to deny it. That he received it late is probable since he says so, and that the delay was accidental is much more probable than the [*faded*] one which his passions impute to Mr. Jefferson. To shew further the [*faded*] with respect to the revolutionary money, it may be noted that in the June following the date of this offer, Mr. Jefferson was chosen Governor of Vir-

doctrine that a minority has no rights? Never let *us* do wrong, because our opponents did so. Let us, rather, by doing right, shew them what they ought to have done, and establish a rule the dictates of reason and conscience, rather than of the angry passions. If the Federalists will amalgamate with us on these terms, let us receive them, and once more unite our country into one mass. But, as they seem to hold off with a remarkable repugnance, I agree that in the meantime both justice and safety require a due proportion of office in republican hands. Whether it is best to effect this by a single stroke, or to await the operation of deaths, resignations, & removals for delinquency, for virulent opposition, and monarchism, I am not satisfied : but am willing to leave it to the constitutional authorities, who, though they proceeded slower than I have expected, yet are probably better judges than I am of the comparative merits of the two methods. The course they seem to have preferred tends more perhaps to allay the passions which so unpleasantly divide & disquiet us ; and trusted as they are, with the care of the public happiness, they are bound so to modify jarring principles as to affect that happiness as far as the state of things will admit. This seems too to be a fair ground of compromise between the extremes of opinion, even among republicans, some of whom think there should be a general removal, & others none at all. The latter opinion, I am told, is much entertained in the southern states. Still I think it will be useful to go into the examination of the question which party holds an over-proportion of office? And I therefore, again invite Mr. Coleman to take the field for the state of New York, not doubting that some champion there will enter the lists for the opposite interest. In my own state the fact is so obvious that I believe no Federalists here will undertake to question it. Should any one however appear, he will certainly find persons able and ready to confront him with facts.

"Fair Play."

ginia & continued till June, 1781, during the whole of which time he received his salary at the rate of £1000 a year of the same money, the rate at which it had been fixed by law before any emission [*fixed*]. The legislature therefore considered the money as equivalent to what it called itself, for two years after the transaction in question. It may be remembered that a letter of Mr. Jefferson's to the House of Farrell & Jones of England was published by their agent as an act of justice to him, from which it appeared that after this date he had received between 4 & 5,000£ for lands sold in 1773 to pay the debt of his father in [*fixed*] Mr. Wales to that house. This fact, & the lands sold are known to many. They lie in the counties of Cumberland & Bedford. In Aug. 1780 Congress first had a table of depreciation established with reference to their new emission of 40 to 1. & in Aug. 1781 they extended it to specie. By the retrospective information of that table we are now enabled to say that in Apr. 1779 paper money was to specie as 1. to 11 not as 1. to 20 as Mr. Jones suggests. But this was neither known or believed at the time by persons well affected to the revolution. It was not till the close of 1781 or beginning of 1782 that the Virginia legislature formally acknowledged a depreciation by establishing a scale for it. Mr. Jefferson went to Europe immediately after the peace; and his agent is known to have declared that the instructions he left were that this debt to Mr. Jones, principal and interest should be the very first paid as soon as hard money could be obtained.

On the whole, if it was criminal in Mr. Jefferson to receive that kind of money on which the event of the revolution depended, & to support it's credit, then let Mr. Jones arraign every Whig in the union at the bar of his country as a criminal. Few were more so, nor more to their own loss than Mr. Jefferson. If it was criminal for a Whig to pay this money to those who like himself were willing to receive it; then was every Whig a criminal. If it was just not to force it on those who were unwilling to receive it, Mr. Jefferson exercised that justice. He took back the money when refused; returned his obligation for the debt, & paid it with interest in hard money, so soon as hard money reappeared in circulation.

DRAFTS OF AN AMENDMENT TO THE CONSTITUTION.[1]

J. MSS.

[July, 1803.]

The province of Louisiana is incorporated with the U. S. and made part thereof. The rights of occupancy in the soil, and of self government, are confirmed to the Indian inhabitants, as they now exist. Pre-

Louisiana, as ceded by France to the U S. is made a part of the U S. Its white inhabitants shall be citizens, and stand, as to their rights & obligations, on the same footing with other citizens of the U S. in analo-

[1] As early as January of 1803 Jefferson had written to Gallatin :

". . . You are right, in my opinion, as to Mr. L's proposition ; there is no constitutional difficulty as to the acquisition of territory, and whether, when acquired, it may be taken into the Union by the Constitution as it now stands, will become a question of expediency. I think it will be safer not to permit the enlargement of the Union but by amendment of the Constitution."

In pursuance of this view, upon receiving news of the cession, he drew up the first of the amendments in above printed papers, and sent it to the Secretary of the Navy. In reply Smith wrote him :

" July 9, '03.

" Sir,—I am greatly pleased with the ideas suggested in the proposed amendment of the Constitution and I sincerely hope that they will be adopted by the Legislature of the Union. But I am rather inclined to think that they ought not all to be ingrafted upon the Constitution. Your great object is to prevent emigrations excepting to a certain portion of the ceded territory. This could be effectually accomplished by a Constitutional prohibition that Congress should not erect or establish in that portion of the ceded territory situated North of Lat. 32 degrees any new State or territorial government and that they should not grant to any people excepting Indians any right or title relative to any part of the said portion of the said territory. All other powers of making exchanges, working mines etc. would then remain in Congress to be exercised at discretion ; and in the exercise of this discretion, subject as it would be to the three aforementioned restrictions I do not perceive that any thing could be done which would counteract your present intentions.

" The rights of occupancy in the soil ought to be secured to the Indians and Government ought, in my opinion, to endeavour to obtain for them the exclusive occupation of the Northern portion of Louisiana excepting such posts as may be necessary to our trade and intercourse with them. But ought not this to be a subject of legislative provision ? If the Indian rights of occupancy be a part of the Constitution might not the Government be hereafter thereby much entangled ? Under such a Constitutional guarantee the Indians might

emption only of the portions rightfully occupied by them, & a succession to the occupancy of such as they may abandon, with the full rights of possession as well as of property & sovereignty in whatever is not gous situations. Save only that as to the portion thereof lying North of an East & West line drawn through the mouth of Arkansa river, no new State shall be established, nor any grants of land made, other than

harass our military posts or our settlements in the Southern portion or elsewhere in the most wanton manner and we could not disturb their rights of occupancy without a formal alteration of the Constitution.

"Under the idea that so many & such undefined restrictions as you have proposed to be engrafted upon the Constitution might in process of time embarress the government and might probably not be acceptable to Congress, I have respectfully submitted to your consideration the enclosed sketch."

The paper enclosed by Smith, is as follows:

"Amendment proposed to the Constitution to be added to S. 3. Art. 4.

"Louisiana being in virtue of the Treaty &c. incorporated with the United States and being thereby a part of the Territory thereof Congress shall have power to dispose of and make all needful rules and regulations respecting the same as fully and effectually as if the same had been at the time of the establishment of the Constitution a part of the Territory of the U. States: provided nevertheless that Congress shall not have power to erect or establish in that portion of Louisiana which is situated North of the Latitude of /32/ degrees any new State or territorial government nor to grant to any citizen or citizens or other individual or individuals excepting Indians any right or title whatever to any part of the said portion of Louisiana until a new Amendment of the Constitution shall give that authority."

Jefferson further wrote to John C. Breckenridge:

"MONTICELLO, Aug 12, '03.

"DEAR SIR,—The enclosed letter, tho' directed to you, was intended to me also, and was left open with a request, that when perused, I would forward it to you. It gives me occasion to write a word to you on the subject of Louisiana, which being a new one, an interchange of sentiments may produce correct ideas before we are to act on them.

"Our information as to the country is very incompleat; we have taken measures to obtain it in full as to the settled part, which I hope to receive in time for Congress. The boundaries, which I deem not admitting question, are the high lands on the western side of the Missisipi enclosing all it's waters, the Missouri of course, and terminating in the line drawn from the northwestern point of the Lake of the Woods to the nearest source of the Missipi, as lately settled between Gr Britain and the U S. We have some claims, to extend on the sea coast

or shall cease to be so rightfully occupied by them shall belong to the U. S.

The legislature of the Union shall have authority to exchange the right of occupancy in portions where the U. S. have full to Indians in exchange for equivalent portions of land occupied by them, until authorised by further subsequent amendment to the Constitution shall be made for these purposes.

Westwardly to the Rio Norte or Bravo, and better, to go Eastwardly to the Rio Perdido, between Mobile & Pensacola, the antient boundary of Louisiana. These claims will be a subject of negociation with Spain, and if, as soon as she is at war, we push them strongly with one hand, holding out a price in the other, we shall certainly obtain the Floridas, and all in good time. In the meanwhile, without waiting for permission, we shall enter into the exercise of the natural right we have always insisted on with Spain, to wit, that of a nation holding the upper part of streams, having a right of innocent passage thro' them to the ocean. We shall prepare her to see us practise on this, & she will not oppose it by force.

" Objections are raising to the Eastward against the vast extent of our boundaries, and propositions are made to exchange Louisiana, or a part of it, for the Floridas. But, as I have said, we shall get the Floridas without, and I would not give one inch of the waters of the Mississippi to any nation, because I see in a light very important to our peace the exclusive right to it's navigation, & the admission of no nation into it, but as into the Potomak or Delaware, with our consent & under our police. These federalists see in this acquisition the formation of a new confederacy, embracing all the waters of the Missipi, on both sides of it, and a separation of it's Eastern waters from us. These combinations depend on so many circumstances which we cannot foresee, that I place little reliance on them. We have seldom seen neighborhood produce affection among nations. The reverse is almost the universal truth. Besides, if it should become the great interest of those nations to separate from this, if their happiness should depend on it so strongly as to induce them to go through that convulsion, why should the Atlantic States dread it? But especially why should we, their present inhabitants, take side in such a question? When I view the Atlantic States, procuring for those on the Eastern waters of the Missipi friendly instead of hostile neighbors on it's Western waters, I do not view it as an Englishman would the procuring future blessings for the French nation, with whom he has no relations of blood or affection. The future inhabitants of the Atlantic & Missipi States will be our sons. We leave them in distinct but bordering establishments. We think we see their happiness in their union, & we wish it. Events may prove it otherwise; and if they see their interest in separation, why should we take side with our Atlantic rather than our Missipi descendants? It is the elder and the younger son differing. God bless them

right for lands possessed by Indians within the U. S. on the East side of the Missisipi: to exchange lands on the East side of the river for those of the white inhabitants on the Florida also, whenever it may be rightfully obtained, shall become a part of the U S. U S. its white inhabitants shall thereupon be Citizens & shall stand, as to their rights & obli-

both, & keep them in union, if it be for their good, but separate them, if it be better. The inhabited part of Louisiana, from Point Coupée to the sea, will of course be immediately a territorial government, and soon a State. But above that, the best use we can make of the country for some time, will be to give establishments in it to the Indians on the East side of the Missipi, in exchange for their present country, and open land offices in the last, & thus make this acquisition the means of filling up the Eastern side, instead of drawing off it's population. When we shall be full on this side, we may lay off a range of States on the Western bank from the head to the mouth, & so, range after range, advancing compactly as we multiply.

"This treaty must of course be laid before both Houses, because both have important functions to exercise respecting it. They, I presume, will see their duty to their country in ratifying & paying for it, so as to secure a good which would otherwise probably be never again in their power. But I suppose they must then appeal to *the nation* for an additional article to the Constitution, approving & confirming an act which the nation had not previously authorized. The constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union. The Executive in seizing the fugitive occurrence which so much advances the good of their country, have done an act beyond the Constitution. The Legislature in casting behind them metaphysical subtleties, and risking themselves like faithful servants, must ratify & pay for it, and throw themselves on their country for doing for them unauthorized what we know they would have done for themselves had they been in a situation to do it. It is the case of a guardian, investing the money of his ward in purchasing an important adjacent territory; & saying to him when of age, I did this for your good; I pretend to no right to bind you: you may disavow me, and I must get out of the scrape as I can: I thought it my duty to risk myself for you. But we shall not be disavowed by the nation, and their act of indemnity will confirm & not weaken the Constitution, by more strongly marking out its lines.

"We have nothing later from Europe than the public papers give. I hope yourself and all the Western members will make a sacred point of being at the first day of the meeting of Congress; for *vestra res agitur*.

"Accept my affectionate salutations & assurances of esteem & respect."

After writing thus, Jefferson thought it wise to change his views, and under date of Aug. 18th, he again wrote to Breckenridge:

"Dear Sir,—I wrote you on the 12th inst. on the subject of Louisiana, and

West side thereof and above the latitude of 31 degrees: to maintain in any part of the province such military posts as may be requisite for peace or safety: to exercise police over all persons therein, not being gations, on the same footing with other citizens of the U S. in analogous situations.

the constitutional provision which might be necessary for it. A letter received yesterday shews that nothing must be said on that subject which may give a pretext for retracting; but that we should do sub-silentio what shall be found necessary. Be so good therefore as to consider that part of my letter as confidential. It strengthens the reasons for desiring the presence of every friend to the treaty on the first day of the session. Perhaps you can impress this necessity on the Senators of the western states by private letter. Accept my friendly salutations & assurances of great respect & esteem."

On the same day he wrote to Thomas Paine:

"DEAR SIR,—On the 10th inst. I wrote you on the subject of Louisiana, and mentioned the question of a supplement to the constitution on that account. A letter received yesterday renders it prudent to say nothing on that subject, but to do sub-silentio what shall be found necessary. That part of my letter therefore be so good as to consider as confidential. Accept my friendly salutations & assurances of great esteem & respect."

The reason for this change is given in a letter to the Secretary of State:

"MONTICELLO, Aug. 18, 1803.

"DEAR SIR,—I enclose you two letters from Rob. R. Livingston. That of the 2d of June is just intelligible enough in the unciphered parts to create anxieties which perhaps the cipher may remove. I communicate them for your information, & shall be glad to receive them deciphered. I infer that the less we say about constitutional difficulties respecting Louisiana the better, and that what is necessary for surmounting them must be done sub-silentio. . . .

"Mr. King said to Mr. Gallatin that the idea of selling Louisiana was, 4 weeks before the treaty, assimilated at Paris with the sale of Dunkirk by Charles the 2d, and that Mr. Livingston had not at that time the least expectation of success. Accept my affectionate salutations and assurances of constant esteem."

To the same correspondent he wrote on August 25th, saying:

"I suppose Monroe will touch on the limits of Louisiana only incidentally, inasmuch as its extension to Perdido curtails Florida, & renders it of less worth. I have used my spare moments to investigate, by the help of my books here, the subject of the limits of Louisiana. I am satisfied our right to the Perdido is substantial, & can be opposed by a quibble on form only; and our right Westwardly to the Bay of St. Bernard, may be strongly maintained. I will use

Indian inhabitants: to work salt springs, or mines of coal, metals and other minerals within the possession of the U. S. or in any others with the consent of the possessors; to regulate trade & intercourse between the Indian inhabitants and all other persons; to ex-

the first leisure to make a statement of the facts & principles on which this depends. Further reflection on the amendmt to the Constitution necessary in the case of Louisiana, satisfies me it will be better to give general powers, with specified exceptions, somewhat in the way stated below."

The paper so enclosed is the second one above printed. A copy of this same paper was sent to the Attorney-General, with the following paper:

"MONTICELLO, Aug. 30, 1803.

"DEAR SIR,—The enclosed letter came to hand by yesterday's post. You will be sensible of the circumstances which make it improper that I should hazard a formal answer, as well as of the desire its friendly aspect naturally excites, that those concerned in it should understand that the spirit they express is friendly viewed. You can judge also from your knolege of the ground, whether it may be usefully encouraged. I take the liberty, therefore, of availing myself of your neighborhood to Boston, and of your friendship to me, to request you to say to the capt. and others verbally whatever you think would be proper, as expressive of my sentiments on the subject. With respect to the day on which they wish to fix their anniversary, they may be told, that disapproving myself of transferring the honors and veneration for the great birthday of our republic to any individual, or of dividing them with individuals, I have declined letting my own birthday be known, & have engaged my family not to communicate it. This has been the uniform answer to every application of the kind.

"On further consideration as to the amendment to our Constitution respecting Louisiana, I have thought it better, instead of enumerating the powers which Congress may exercise, to give them the same powers they have as to other portions of the Union generally, and to enumerate the special exceptions, in some such form as the following: . . .

"I quote this for your consideration, observing that the less that is said about any constitutional difficulty, the better; and that it will be desirable for Congress to do what is necessary, *in silence*. I find but one opinion as to the necessity of shutting up the country for some time. We meet in Washington

plore and ascertain the geography of the province, its productions and other interesting circumstances; to open roads and navigation therein where necessary for beneficial communication; & to establish agencies and factories therein for the cultivation of commerce,

the 25th proximo to prepare for Congress. Accept my affectionate salutations & great esteem & respect."

In addition, Jefferson wrote to Wilson Cary Nicholas:

"MONTICELLO, Sep. 7, 1803.

"DEAR SIR,—Your favor of the 3d was delivered me at court; but we were much disappointed at not seeing you here, Mr. Madison & the Gov. being here at the time. I enclose you a letter from Monroe on the subject of the late treaty. You will observe a hint in it, to do without delay what we are bound to do. There is reason, in the opinion of our ministers, to believe, that if the thing were to do over again, it could not be obtained, & that if we give the least opening, they will declare the treaty void. A warning amounting to that has been given to them, & an unusual kind of letter written by their minister to our Sec, retary of State, direct. Whatever Congress shall think it necessary to do, should be done with as little debate as possible, & particularly so far as respects the constitutional difficulty. I am aware of the force of the observations you make on the power given by the Constn to Congress, to admit new States into the Union, without restraining the subject to the territory then constituting the U S. But when I consider that the limits of the U S are precisely fixed by the treaty of 1783, that the Constitution expressly declares itself to be made for the U S, I cannot help believing the intention was to permit Congress to admit into the Union new States, which should be formed out of the territory for which, & under whose authority alone, they were then acting. I do not believe it was meant that they might receive England, Ireland, Holland, &c. into it, which would be the case on your construction. When an instrument admits two constructions, the one safe, the other dangerous, the one precise, the other indefinite, I prefer that which is safe & precise. I had rather ask an enlargement of power from the nation, where it is found necessary, than to assume it by a construction which would make our powers boundless. Our peculiar security is in possession of a written Constitution. Let us not make it a blank paper by construction. I say the same as to the opinion of those who consider the grant of the treaty making power as boundless. If it is, then we have no Constitution. If it has bounds, they can be no others than the definitions of the powers which that instrument gives. It specifies & delineates the operations permitted

peace & good understanding with the Indians residing there.

The legislature shall have no authority to dispose of the lands of the province otherwise than as hereinbefore permitted, until a new Amendment of the constitution shall give that authority. Except as to that portion thereof which lies South of the latitude of 31 degrees; which whenever they deem expedient, they may erect into a territorial Government,

to the federal government, and gives all the powers necessary to carry these into execution. Whatever of these enumerated objects is proper for a law, Congress may make the law; whatever is proper to be executed by way of a treaty, the President & Senate may enter into the treaty; whatever is to be done by a judicial sentence, the judges may pass the sentence. Nothing is more likely than that their enumeration of powers is defective. This is the ordinary case of all human works. Let us go on then perfecting it, by adding, by way of amendment to the Constitution, those powers which time & trial show are still wanting. But it has been taken too much for granted, that by this rigorous construction the treaty power would be reduced to nothing. I had occasion once to examine its effect on the French treaty, made by the old Congress, & found that out of thirty odd articles which that contained, there were one, two, or three only which could not now be stipulated under our present Constitution. I confess, then, I think it important, in the present case, to set an example against broad construction, by appealing for new power to the people. If, however, our friends shall think differently, certainly I shall acquiesce with satisfaction; confiding, that the good sense of our country will correct the evil of construction when it shall produce ill effects.

"No apologies for writing or speaking to me freely are necessary. On the contrary, nothing my friends can do is so dear to me, & proves to me their friendship so clearly, as the information they give me of their sentiments & those of others on interesting points where I am to act, and where information & warning is so essential to excite in me that due reflection which ought to precede action. I leave this about the 21st, and shall hope the District Court will give me an opportunity of seeing you.

"Accept my affectionate salutations, & assurances of cordial esteem & respect."

either separate or as making part with one on the eastern side of the river, vesting the inhabitants thereof with all the rights possessed by other territorial citizens of the U. S.[1]

TO HORATIO GATES.[2]

WASHINGTON, July 11, '03.

DEAR GENERAL,—I accept with pleasure, and with pleasure reciprocate your congratulations on the acquisition of Louisiana: for it is a subject of mutual congratulations as it interests every man of the nation. The territory acquired, as it includes all the waters of the Missouri & Mississippi, has more than doubled the area of the U. S. and the new part is not inferior to the old in soil, climate, productions & important communications. If our legislature dispose of it with the wisdom we have a right to expect, they may make it the means of tempting all our Indians on the East side of the Mississippi to remove to the West, and of condensing instead of scattering our population. I find our opposition is very willing to pluck feathers from Monroe, although not fond of sticking them into Livingston's coat. The truth is both have a just portion of merit and were it necessary or proper it could be shewn that each has rendered

[1] The following is on separate slip immediately following the above; but it is not in Jefferson's handwriting:

"Together with such tract or tracts elsewhere, within the Province not exceeding in the whole, one million acres, as particular circumstances may in the Opinion of Congress rendor it expedient to dispose of."

[2] From the original in the possession of Dr. Thomas Addis Emmet of New York.

peculiar service, & of important value. These grumblers too are very uneasy lest the administration should share some little credit for the acquisition, the whole of which they ascribe to the accident of war. They would be cruelly mortified could they see our files from April 1801, the first organization of the administration, but more especially from April 1802. They would see that tho' we could not say when war would arise, yet we said with energy what would take place when it should arise. We did not, by our intrigues, produce the war: but we availed ourselves of it when it happened. The other party saw the case now existing on which our representations were predicted, and the wisdom of timely sacrifice. But when these people make the war give us everything, they authorize us to ask what the war gave us in their day? They had a war. What did they make it bring us? Instead of making our neutrality the grounds of gain to their country, they were for plunging into the war. And if they were now in place, they would not be at war against the Alliests & disorganizers of France. They were for making their country an appendage to England. We are friendly, cordially and conscientiously friendly to England, but we are not hostile to France. We will be rigorously just and sincerely friendly to both. I do not believe we shall have as much to swallow from them as our predecessors had.

With respect to the territory acquired, I do not think it will be a separate government as you imagine. I presume the island of N. Orleans and the settled country on the opposite bank, will be annexed to the

Mississippi territory. We shall certainly endeavor to introduce the American laws there & that cannot be done but by amalgamating the people with such a body of Americans as may take the lead in legislation & government. Of course they will be under the Governor of Mississippi. The rest of the territory will probably be locked up from American settlement, and under the self-government of the native occupants.

You know that every sentence from me is put on the rack by our opponents, to be tortured into something they can make use of. No caution therefore I am sure is necessary against letting my letter go out of your hands. I am always happy to hear from you, and to know that you preserve your health. Present me respectfully to Mrs. Gates, and accept yourself my affectionate salutations and assurances of great respect & esteem.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

July 12, 1803.

* * * It is difficult to see what Mr. Bond would be at. I suppose he aims at our citizen laws. There is a distinction which we ought to make ourselves, and with which the belligerent powers ought to be content. Where, after the commencement of a war, a merchant of either comes here and is naturalized, the purpose is probably fraudulent against the other, and intended to cloak their commerce under our flag. This we should honestly discountenance, and never reclaim their property when captured. But merchants from either, settled and made citizens before a war, are citizens to every purpose of commerce, and not to be distinguished in our proceedings from natives. Every attempt of

Great Britain to enforce her principle of "once a subject and always a subject" beyond the case of *her own subjects* ought to be repelled. A copy of General Muhlenberg's letter, stating the fact of citizenship accurately, ought to satisfy Mr. Bond, unless he can disprove the fact: or unless, admitting the fact, he at once attacks our principle: on that ground we will meet his government.

As to the patronage of the Republican Bank at Providence, I am decidedly in favor of making all the banks Republican, by sharing deposits among them in proportion to the dispositions they show; if the law now forbids it, we should not permit another session of Congress to pass without amending it. It is material to the safety of Republicanism to detach the mercantile interest from its enemies and incorporate them into the body of its friends. A merchant is naturally a Republican, and can be otherwise only from a vitiated state of things. Affectionate salutations.

TO THE SPECIAL COMMISSIONER ON SPANISH BOUNDARY.

(EPHRAIM KIRBY.) J. MSS.

WASHINGTON, July 15, 1803.

DEAR SIR,—I yesterday signed a commission appointing you one of the commissioners to receive & determine the titles of lands held on the East side of Pearl river. The place of sessions will be Fort Stoddart. I am happy in having in that commission the name of a person already so well known to the public as to ensure their confidence. The other commissioner will be Mr. Robert Carter Nicholas of Kentucky, son of the late George Nicholas of that state. I am desirous of appointing to the register's office, some worthy inhabitant of that part of the country, but I have never been able to get a recommendation of anyone. He should be of perfect integrity, good understanding, and, if a lawyer, so much the better. Under these circumstances I have thought it best to ask you to take charge of a blank commission, to be filled up by yourself as soon after your arrival there, as you can acquire information of the best character. Your own judgment will suggest to you the advantage of keeping it entirely secret that you have such a power, in order that you may obtain

disinterested information. But I am obliged to impose on you another task, quite out of the line of your official duty, yet within that of a citizen of the U. S. We have had no means of acquiring any knolege of the number, nature & extent of our settlements west of Pearl river: Yet it is extremely important that we should receive accurate information. I have therefore taken the liberty of stating some queries to which I will pray your attention, and that you will take all the pains you can to obtain for me full and faithful answers.[1] I leave this place within a few days for Monticello to remain there through the months of August and September. I pray you to accept my friendly salutations & assurances of great esteem & respect.

QUERIES AS TO LOUISIANA. J. MSS.

[July 15? 1803?]

1. What are the boundaries of Louisiana, and on what authority does each portion of them rest?
2. What is the distance from New Orleans to the nearest point of the western boundary?
3. Into what divisions is the province laid off?
4. What officers civil or military are appointed to each division,

[1] Queries.

1. What are the settlements of citizens on the east side of Pearl river? Stating their geographical position, extent & numbers.

2. Are there good lands adjoining them to render them capable of enlargement.

3. Have they encroached on the Indians?

4. Are the settlements in a course of enlargement by persons setting down on lands without title?

5. The general character of the inhabitants & from whence they are?

6. A special list by name of all such individuals worthy of appointment to such offices as may be necessary among them, and characters so particularized as that we may know for what each is fit.

7. A general account of the Spanish settlements in the adjacent country, stating all material circumstances relative to them, particularly their geographical position & numbers. Those on the Chatahouchy, Excambier, Mobile, & Pascagoula rivers especially.

8. Their military posts, the position & strength of each, and especially on the Mobile.

and what to the general government with a definition of their powers?

5. What emoluments have they, and from what source derived?
6. What are the annual expenses of the province drawn from the Treasury?
7. What are the nett receipts of the Treasury, & from what taxes or other resources are they drawn?
8. On what footing is the church & clergy, what lands have they and from what other funds are they supported?
9. What is the population of the province distinguishing between white and black, but excluding Indians, on the East side of the Mississippi? Of the settlement on the west side next the mouth? Of each district settlement in the other parts of the province? And what the geographical position and extent of each of these settlements?
10. What are the foundations of their land titles? And what their tenure.
11. What is the quantity of granted lands as near as can be estimated?
12. What is the quantity ungranted in the Island of New Orleans, and in the settlement adjacent on the west side?
13. What are the lands appropriated to the public use?
14. What buildings, fortifications, or other fixed property belong to the public?
15. What is the quantity & general limits of the lands fit for the culture of sugar? What proportion is granted & what ungranted?
16. Whence is their code of laws derived? A copy of it, if inprint.
17. What are the best maps, general or particular, of the whole or parts of the province? Copies of them if to be had in print.[1]

[1] The purpose of these queries is told by Jefferson in a letter to William Dunbar:

"WASHINGTON, July 17th, 1803.

"DEAR SIR,—Before you receive this, you will have heard, through the channel of the public papers, of the cession of Louisiana by France to the United States. The terms as stated in the National Intelligencer, are accurate. That the treaty may be ratified in time, I have found it necessary to

TO WILLIAM DUANE. J. MSS.

MONTICELLO, July 24, 1803.

DEAR SIR,—The address of the Ward committee of Philada on the subject of removals from office was received at Washington on the 17th inst. I cannot answer it, because I have given no answers to the many others I have received from other quarters. You are sensible what use an unfriendly party would make of such answers by putting all their expressions to the torture; and altho' no person wishes more than I do to learn the opinions of respected *individuals*, because they enable me to examine, and often to correct my own, yet I am not satisfied that

convene Congress on the 17th of October; and it is very important for the happiness of the country that they should possess all the information which can be obtained respecting it, that they make the best arrangement practicable for its good government. It is the most necessary, because they will be obliged to ask from the People an amendment of the Constitution, authorizing their receiving the province into the Union, and providing for its government; and the limitations of power which shall be given by that amendment, will be unalterable but by the same authority. I have, therefore, sent some queries to Mr. Clark of New Orleans, to be answered by such person as he shall think best qualified, and to be returned to me before the meeting of Congress; and knowing that you have turned your attention to many of the subjects, I enclose you a copy of them, and ask the favor of you to give me what information you can, in answer to such of them as you shall select as lying within the scope of your information. I am encouraged to propose thus to trouble you, by a thorough persuasion of your readiness and desire to serve the public cause by whatever shall be in your power; and by the belief that you are one of those who will sincerely rejoice at our success in relieving you, by peaceable means, from a powerful and enterprising neighbor; and establishing, on a permanent basis, the tranquility, security, and prosperity, of that interesting country. I tender you my friendly salutations and assurances of great esteem and respect.

"P. S. July 18—Since writing the preceding, your favor of June 10th has been received. The exchange of a peaceable for a warring neighbor at New Orleans, was, undoubtedly, ground of just and great disquietude on our part: and the necessity of acquiring the country could not be unperceived by any. The question which divided our Legislature (but not the nation) was, whether we should take it at once, and enter single handed into war with the most powerful nation on the earth, or place things on the best footing practicable for the present, and avail ourselves of the first war in Europe, which it was clear was at no great distance, to obtain the country as the price of our neutrality, or as a reprisal for wrongs which we were sure enough to receive. The war hap-

I ought to admit the addresses even of those bodies of men which are organized by the Constitution, (the houses of legislature for instance) to influence the appointment to office for which the Constitution has chosen to rely on the independence and integrity of the Executive, controlled by the Senate, chosen both of them by the whole union. Still less of those bodies whose organization is unknown to the Constitution. As revolutionary instruments (when nothing but revolution will cure the evils of the state) they are necessary and indispensable, and the right to use them is inalienable by the people; but to admit them as ordinary & habitual instruments as a part of the machinery of the Constitution, would be to change that machinery by introducing

pened somewhat sooner than was expected: but our measures were previously taken, and the thing took the best turn for both parties. Those who were honest in their reasons for preferring immediate war, will, in their candor, rejoice that their opinion was not followed. They may, indeed, still believe it was the best opinion according to the probabilities. We, however believed otherwise, and they, I am sure, will not be glad that we did. The letter of yesterday will show you my desire of receiving information from you, and I shall always be thankful for it. My wish is to have everything, compare all together, and to do what, on the whole, I conscientiously think for the best. I repeat my satisfaction and esteem."

A second letter to Dunbar, on this matter, was as follows:

"MONTICELLO, Sep. 21, 1803.

"DEAR SIR,—Your favor in answer to my queries came to hand a few days ago, and I thank you for the matter it contains & the promptness with which it has been furnished. Just on my departure from this place, where I habitually pass the sickly months of Aug. & Sep. I have time only to ask information on a particular point. It has been affirmed by respectable authority, that Spain on receiving the East & West Florida of the English, did not continue that distinction, but restored Louisiana to it's antient boundary the Perdido, and that the country from the Perdido to the Iberville has been ever since considered as a part of Louisiana, & governed by the governor of Louisiana residing at New Orleans: While the country from the Perdido Eastwardly to the Atlantic has been called as antiently, by the simple name of Florida, & governed by the governor of Florida residing at St. Augustine. The terms of the treaty render this fact very interesting if true, inasmuch as it fills up the measure of reasoning which fixes the extent of the cession Eastwardly to the Perdido. I write the present to ask of you to ascertain this fact & to give the information as quickly as possible, as it may yet be received in time to determine our proceedings. Accept my friendly salutations & assurances of great esteem & respect."

moving powers foreign to it, and to an extent depending solely on local views, and therefore incalculable. The opinions offered by *individuals*, and of right, are on a different ground ; they are sanctioned by the constitution ; which has also prescribed, when they chuse to act in bodies, the organization, objects & rights of those bodies. Altho' this view of the subject forbids me, in my own judgment, to give answers to addresses of this kind, yet the one now under consideration is couched in terms so friendly and respectful, and from persons, many of whom I know to have been firm patriots, some of them in revolutionary times and others in those of terror, & doubt not that all are of the same valuable character, that I cannot restrain the desire they should individually understand the reasons why no formal answer is given : That they should see it proceeds from my view of the constitution and the judgment I form of my duties to it, and not from a want of respect & esteem for them, or their opinions, which given individually will ever be valued by me. I beg leave therefore to avail myself of my acquaintance with you, & of your friendly dispositions to communicate to them individually the considerations expressed in this letter, which is merely private and to yourself, and which I ask you not to put out of your own hands lest directly or by copy it should get into those of the common adversary, and become matter for those malignant perversions which no sentiments however just, no expressions however correct can escape

It may perhaps at first view be thought that my answer to the Newhaven letter was not within my own rule. But that letter was expressed to be from the writers individually, & not as an organized body chosen to represent and express the public opinion. The occasion too which it furnished had for some time been wished for, of explaining to the republican part of the nation my sense of their just rights to participation to office, and the proceedings adopted for attaining it after due inquiry into the general sentiment of the several states. The purpose there explained was to remove some of the least deserving officers, but generally to prefer the milder measure of waiting till accidental vacancies should furnish opportunity of giving to republicans their *due proportion* of office. To this we have steadily adhered.

Many vacancies have been made by death and resignation, many by removal for malversation in office and for open, active and virulent abuse of official influence in opposition to the order of things established by the will of the nation. Such removals continue to be made on sufficient proof. The places have been steadily filled with republican characters until of 316 offices in all the U. S. subject to appointment and removal by me, 130 only are held by federalists. I do not include in this estimate the judiciary & military because not removable but by established process, nor the officers of the Internal revenue because discontinued by law, nor postmasters or any others not named by me. And this has been effected in little more than two years by means so moderate and just as cannot fail to be approved in future. Whether a participation of office in proportion to numbers should be effected in each state separately or in the whole states taken together is difficult to decide, and has not yet been settled in my own mind. It is a question of vast complications. But suppose we were to apply the rule to Pennsylvania distinctly from the Union. In the state of Pennsylvania 8 offices only are subject to my nomination and informal removal. Of these 5 are in the hands of republicans, 3 of federalists, to wit

Republican		*Federal.*
The attorney	Dallas	Naval officer
Marshal	Smith	Surveyor
Collector	Muhlenberg	Commisr of Loans
Purveyor	Coxe	
Superintdt Mily Stores	Irving	

In the hands of the former is the appointment of every subordinate officer, not a single one (but their clerks) being appointable by the latter. Taking a view of this subject in the only year I can now come at, the clerk hire of the naval officer & surveyor is only 2196 D. that of the commr of loans 2500–4696. The compensation of the nav. off. & surveyor were 7651 D. in that year. The residue of custom house expenses were 46268 D. constituting the compensation and patronage of the collector, except about 1500 D. to the officers of the revenue cutter who are republican. The emoluments & patronage of the 5 other republican officers I have no materials for estimating; but they are not small. Considering numbers therefore as the ratio of participation, it stands at 5 to 3. But taking emolument and patronage as

the measure, our actual share is much greater. I cannot therefore suppose that our friends had sufficiently examined the fact when they alleged that, in 'Philadelphia public employment under the general government, in all it's grades, with scarcely an exception, is confined not to federalists merely, but to apostates, persecutors and enemies of representative government.'

I give full credit to the wisdom of the measures persued by the gov'r. of Pennsylvania in removals from office. I have no doubt he followed the wish of the state: and *he* had no other to consult. But in the general government each state is to be administered not on it's local principles, but on the principles of all the states formed into a general result. That I should administer the affairs of Massachusetts & Connecticut, for example, on federal principles, could not be approved. I dare say too that the extensive removals from office in Pennsylva. may have contributed to the great conversion which has been manifested among it's citizens. But I respect them too much to believe it has been the exclusive or even the principal motive. I presume the sound measures of their government, & of the general one, have weighed more in their estimation and conversion, than the consideration of the particular agents employed.

I read with extreme gratification the approbation expressed of the general measures of the present administration. I verily believe our friends have not differed with us on a single *measure* of importance. It is only as to the distribution of office that some difference of opinion has appeared. But that difference will I think be lessened when facts & principles are more accurately scanned, and it's impression still more so when justice is done to motives, and to the duty of pursuing that which on mature consideration is deemed to be right.

I hope you will pardon the trouble which this communication proposes to give you, when you attend to the considerations urging it. And that you will accept my respectful salutations & assurances of great esteem.[1]

[1] Endorsed "Answer written but not sent."

On the subject of this letter, Jefferson wrote to Gallatin:

"MONTICELLO, July 25, 1803.

"DEAR SIR:—We agreed that the address of the ward committees ought not to be formally answered. But on further reflection I think it would be better

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

MONTICELLO, July 31, 03.

DEAR SIR,—I return you the petition of Samuel Miller with the pardon signed. Mr. Kelty had spoken to me on this subject and told me that he and Mr. Craunch should join in a recommendation. I wish Mr. Wagner would obtain this before he delivers the pardon. I return also Mr. King's letter which has really important matter, especially what respects the mare clausum, the abandonment of the colonial system, & emancipation of S. America. On the subject of our seamen as both parties were agreed against impressments at sea, and concealments in port, I suppose we may practice on those two articles as things understood, altho' no convention was signed. I see that the principle of free bottoms, free goods must be left to make its way by treaty with particular nations. Great Britain will never yield to it willingly and she cannot be forced.

I think I have selected a governor for Louisiana, as perfect in all points as we can expect. Sound judgment, standing in society, knolege of the world, wealth, liberality, familiarity with the French language, and having a French wife. You will perceive I am describing Sumpter. I do not know a more proper character for the place. I wish we could find a diplomatist or two equally eligible, for Europe. Accept my affectionate salutations.

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to write a private letter to one of the members, in order that he may understand the true grounds on which the subject rests, and may state them informally to his colleagues. I think these grounds so solid that they cannot fail to remove this cause of division among our friends, and perhaps to cure the incipient schism. Of the signers of the address, I know only Duane and Scott sufficiently to address such a letter to them ; and of these I am much more acquainted with the first than the last, and think him on that ground more entitled to this mark of confidence. Some apprehensions may perhaps be entertained that if the schism goes on, he may be in a different section from us. If there be no danger in this, he is the one I should prefer. Give me your opinion on it, if you please, and consider and make any alterations in the letter you think best, and return it to me as soon as you can. I am strongly of opinion it will do good. Accept my affectionate salutations and assurances of respect."

Probably in connection with this intended explanation of his course in reference to office holding, Jefferson drew up the annexed table of removals and appointments.

	N. Hampsh.		Massachus.			R. Island.		Connecticut.		Vermont.	New York.		New Jersey.		Pennsylva.		Delaware.		Maryland.		Virginia.		N. Carola.		S. Carola.		Georgia.		Tennessee.		Kentucky.		Ohio.
	R.	F.	R.	I.	F.	R.	F.	R.	F.		R.	F.	R.	F.	R.	F.	R.	F.	R.	F.	R.	F.	R.	F.	R.	F.	R.	F.	R.	F.		
Collectors.....	1		10	1		1	2	2	2	1		3		1	2	1	1	2	8	5	8	2	4		3	2	3					1
Naval Officers	1		1	1	12	1	1					1				1			1		1		1		1						
Surveyors	1		1	1	1	3	6	1	4			3		1		1		2	3	2	6	8	9	1							
land surveyors....					5																										
Receivers																															
Registers																															
District Atties. ...	1		1			1		1		1		1	1		1		1		1		1		1		1		2		1		1
Marshals	1			1		1	1			1		1			1				1					1	1			1			
Commrs. loans ...	1			1	2	1	1	1					1	1						1	1		1		1				1		
					1																										

TO JOHN DICKINSON. J. MSS.

MONTICELLO, Aug. 9, 1803.

DEAR SIR,—Your friendly favor of the 1st inst. is received with that welcome which always accompanies the approbation of the wise & good. The acquisition of New Orleans would of itself have been a great thing, as it would have ensured to our western brethren the means of exporting their produce: but that of Louisiana is inappreciable, because, giving us the sole dominion of the Mississippi, it excludes those bickerings with foreign powers, which we know of a certainty would have put us at war with France immediately: and it secures to us the course of a peaceable nation.

The *unquestioned* bounds of Louisiana are the Iberville & Mississippi on the east, the Mexicana, or the Highlands east of it, on the west; then from the head of the Mexicana gaining the highlands which include the waters of the Mississippi, and following those highlands round the head springs of the western waters of the Mississippi to its source where we join the English or perhaps to the Lake of the Woods. This may be considered as a triangle, one leg of which is the length of the Missouri, the other of the Mississippi, and the hypothenuse running from the source of the Missouri to the mouth of the Mississippi. I should be averse to exchanging any part of this for the Floridas, because it would let Spain into the Mississippi on the principle of natural right, we have always urged & are now urging to her, that a nation inhabiting the upper part of a stream has a

right of innocent passage down that stream to the ocean: and because the Floridas will fall to us peaceably the first war Spain is engaged in. We have some pretensions to extend the western territory of Louisiana to the Rio Norte, or Bravo; and still stronger the eastern boundary to the Rio Perdido between the rivers Mobile & Pensacola. These last are so strong that France had not relinquished them & our negotiator expressly declared we should claim them, by properly availing ourselves of these with offers of a price, and our peace, we shall get the Floridas in good time. But in the meantime we shall enter on the exercise of the right of passing down all the rivers which rising in our territory, run thro' the Floridas. Spain will not oppose it by force. But there is a difficulty in this acquisition which presents a handle to the malcontents among us, though they have not yet discovered it. Our confederation is certainly confined to the limits established by the revolution. The general government has no powers but such as the constitution has given it; and it has not given it a power of holding foreign territory, & still less of incorporating it into the Union. An amendment of the Constitution seems necessary for this. In the meantime we must ratify & pay our money, as we have treated, for a thing beyond the constitution, and rely on the nation to sanction an act done for its great good, without its previous authority. With respect to the disposal of the country, we must take the island of New Orleans and west side of the river as high up as Point Coupee, containing nearly the whole

inhabitants, say about 50,000, and erect it into a state, or annex it to the Mississippi territory: and shut up all the rest from settlement for a long time to come, endeavoring to exchange some of the country there unoccupied by Indians for the lands held by the Indians on this side the Mississippi, who will be glad to cede us their country here for an equivalent there: and we may sell out our lands here & pay the whole debt contracted before it comes due. The impost which will be paid by the inhabitants ceded will pay half the interest of the price we give: so that we really add only half the price to our debt. I have indulged myself in these details because the subject being new, it is advantageous to interchange ideas on it and to get our notions all corrected before we are obliged to act on them. In this idea I receive & shall receive with pleasure anything which may occur to you. Accept my affectionate salutations & assurances of my constant & great esteem & respect.

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

MONTICELLO, Sept. 14, 03.

DEAR SIR,—I now return you the several papers received by the last post, except those soliciting office, which as usual, are put into my bundle of like papers. I think it possible that Spain, recollecting our former eagerness for the island of N. Orleans, may imagine she can, by a free delivery of that, redeem the residue of Louisiana: and that she may withhold the peaceable cession of it. In that case no doubt force must be used. However the importance of this measure, the time & the means, will be for

discussion at our meeting on the 25h. In the meantime I think Clarke might be trusted with a general hint of the possibility of opposition from Spain, & an instruction to sound in every direction, but with so much caution as to avoid suspicion, and to inform us whether he discovers any symptoms of doubt as to the delivery, to let us know the force Spain has there, where posted, how the inhabitants are likely to act, if we march a force there, and what numbers of them could be armed & brought to act in opposition to us. We have time to receive this information before the day of ratification, and it would guide us in our provision of force for the object. Accept my affectionate salutations & respects.

TO DOCTOR BENJAMIN RUSH. J. MSS.

WASHINGTON, Octr 4, 03.

DEAR SIR,—No one would more willingly than myself pay the just tribute due to the services of Capt. Barry, by writing a letter of condolence to his widow, as you suggest. But when one undertakes to administer justice, it must be with an even hand, & by rule; what is done for one, must be done for every one in equal degree. To what a train of attentions would this draw a President? How difficult would it be to draw the line between that degree of merit entitled to such a testimonial of it, & that not so entitled? If drawn in a particular case differently from what the friends of the deceased would judge right, what offence would it give, & of the most tender kind? How much offence would be given by accidental inattentions, or want of information? The first step into such an undertaking ought to be well weighed. On the death of Dr. Franklin, the King & Conven-

tion of France went into mourning. So did the House of Reps. of the U. S. : the Senate refused. I proposed to General Washington that the executive department should wear mourning; he declined it, because he said he should not know where to draw the line, if he once began that ceremony. Mr. Adams was then Vice President, & I thought Genl. W. had his eye on him, whom he certainly did not love. I told him the world had drawn so broad a line between himself & Dr. Franklin, on the one side, and the residue of mankind, on the other, that we might wear mourning for them, and the question still remain new & undecided as to all others. He thought it best, however, to avoid it. On these considerations alone, however well affected to the merit of Commodore Barry, I think it prudent not to engage myself in a practice which may become embarrassing.

Tremendous times in Europe! How mighty this battle of lions & tygers! With what sensations should the common herd of cattle look on it? With no partialities, certainly. If they can so far worry one another as to destroy their power of tyrannizing, the one over the earth, the other the waters, the world may perhaps enjoy peace, till they recruit again.

Affectionate & respectful salutations.

THIRD ANNUAL MESSAGE.[1] J. MSS.

OCTOBER 17, 1803.

To the Senate and House of Representatives of the United States:—

In calling you together, fellow citizens, at an earlier day than was contemplated by the act of the last session of Congress, I have not been insensible to the personal inconveniences necessarily resulting from an unexpected change in your arrangements.

[1] A draft of this message was submitted to Madison, who on Oct. 1st returned the following notes to the president:

"(o) for 'before' is suggested 'without,' the former seeming to imply that after the suspension, an assignt had been made.

"(1) After or for 'friendly' insert 'proper.'

"Omit 'without difficulty or delay.' There was perhaps somewhat of both, and it may become expedient to say so to Spain.

"(2) The enlightened mind of the first consul of France saw in its true point of view the importance of an arrangement on this subject which might contribute most towards perpetuating the peace and friendship, and promoting the interest of both nations; and the property and sovereignty of all Louisiana, as it had been ceded to France by Spain, was conveyed to the U. States by instruments bearing date on the 30th day of April last. These stipulations (instruments) will be immediately laid before the Senate, and if sanctioned by its concurrence will without delay be communicated to the House of Reps. for the exercise of its constitutional functions thereon.

"Such a modification of the paragraph is meant to avoid the implication that the transfer made by France, was covered by the terms 'territory adjacent to ours' which describe our proposition. It will also avoid, what the theory of our constitution does not seem to have met, the influence of deliberations and anticipations of the H. of Reps. on a Treaty depending in the Senate. It is not conceived that the course here suggested can produce much delay, since the tenor of the treaty being sufficiently known, the mind of the house can be preparing itself for the requisite provisions. Delay would be more likely to arise from the novelty and doubtfulness of a communication in the first instance, of a treaty negotiated by the Executive, to both Houses for their respective deliberations.

"(3) After 'assure' are proposed 'in due season, and under prudent arrangements, important aids to our Treasury, as well as,' an ample &c.

"Query: If the two or three succeeding Ps. be not more adopted to the separate and subsequent communication if adopted as above suggested.

"(4) For the first sentence may be substituted 'in the territory between the Mississippi and the Ohio, another valuable acquisition has been made by a treaty &c.' As it stands, it does not sufficiently distinguish the nature of the

But matters of great public concernment have rendered this call necessary, and the interest you feel in these will supersede in your minds all private considerations.

Congress witnessed, at their last session, the extraordinary agitation produced in the public mind by the suspension of our right of deposit at the port of New Orleans, no assignment of another place having been made according to treaty. They were sensible

one acquisition from that of the other, and seems to imply that the acquisition from France was wholly on the other side of the Mississippi.

"May it not be as well to omit the detail of the stipulated considerations, and particularly, that of the Roman Catholic Pastor. The jealousy of some may see in it a principle, not according with the exemption of Religion from civil power. In the Indian Treaty it will be less noticed than in a President's message.

"'Tho' not so indispensable since the acquisition of the other bank' conveys an idea that an immediate settlement of the other bank is in view, and may thence strengthen objections in certain quarters to the treaty with France.

"With a tacit allusion to profit, 'is yet well' may be struck out and 'may be the more worthy' inserted.

"The last sentence in this P. may be omitted, if the reason applied to a former one be thought good.

"(5) 'Must also be expected' better perhaps 'are also to be apprehended' for 'both' 'all' or 'the' belligerent &c. Holland already makes more than two.

"After 'cover of our flag' substitute 'for vessels not entitled to, infecting thereby with suspicion the property of the real American and committing us to the risk of war to redress wrongs not our own.' Instead of 'to expect from every nation,' which does not follow well the antecedent 'endeavor' may be inserted 'to exact, to draw.'

"This member of the sentence may indeed be dispensed with, being comprehended in the ensuing member, viz. 'maintain the character of an independent one &c.'

"'Maintain' being repeated several times within a small compass, 'pursue this course,' may be preferable.

"(6) For this conclusion, is offered for consideration the following 'for the possibility of failure in these reasonable expectations, it will rest with the wisdom of Congress to consider how far and in what form, provision may be properly made, for suspensions of intercourse when it cannot be maintained on principles of justice and self-respect,' or 'and therewith prevented, the necessity of remedial provisions on the part of the U. States.'

"(7) for 'unconcerned in'—'and from.'"

On Oct. 3d the President wrote to Gallatin:

"Th. Jefferson asks the favor of Mr. Gallatin to examine with rigor the

that the continuance of that privation would be more injurious to our nation than any consequences which could flow from any mode of redress, but reposing just confidence in the good faith of the government whose officer had committed the wrong, friendly and reasonable representations were resorted to, and the right of deposit was restored.

Previous, however, to this period, we had not been unaware of the danger to which our peace would be perpetually exposed while so important a key to the commerce of the western country remained under foreign power. Difficulties, too, were presenting themselves as to the navigation of other streams, which, arising within our territories, pass through those adjacent. Propositions had, therefore, been authorized for obtaining, on fair conditions, the sovereignty of New Orleans, and of other possessions in that quarter interesting to our quiet, to such extent as was deemed practicable; and the provisional appropriation of two millions of dollars, to be applied and accounted for by the president of the United States, intended as part of the price, was considered as conveying the sanction of Congress to the acquisition proposed. The enlightened government of France saw, with just discernment, the importance to both nations of such liberal arrangements as might best and permanently promote the peace, friendship, and interests of both; and the property and sovereignty of all Louisiana, which had been restored to them, have on certain con-

enclosed project of the message to Congress, and to note on a separate paper the alterations he thinks advantageous. As it is to go through the hands of the other gentlemen of the Cabinet, his immediate attention to it is desirable. He also asks the favor of Mr. Gallatin to meet the heads of Department here tomorrow at ten o'clock."

He further wrote him on Oct. 17th:

"Will you be so good as to enable me this morning to fill up the blank in the following passage of the message.

"An account of the receipts & expenditures of the year ending the 30th of Sep. last, with the estimates for the ensuing year, will be laid before you by the Secy. of the Treasy so soon as the receipts of the last quarter shall be returned from the more distant states. It is already ascertained that the amount paid into the Treasury for that year will exceed & that the revenue accrued during the same term, exceeds the sum counted on as sufficient for our current expenses, and to extinguish the public debt within the period heretofore proposed."

ditions been transferred to the United States by instruments bearing date the 30th of April last. When these shall have received the constitutional sanction of the senate, they will without delay be communicated to the representatives also, for the exercise of their functions, as to those conditions which are within the powers vested by the constitution in Congress. While the property and sovereignty of the Mississippi and its waters secure an independent outlet for the produce of the western States, and an uncontrolled navigation through their whole course, free from collision with other powers and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our treasury, an ample provision for our posterity, and a wide-spread field for the blessings of freedom and equal laws.

With the wisdom of Congress it will rest to take those ulterior measures which may be necessary for the immediate occupation and temporary government of the country; for its incorporation into our Union; for rendering the change of government a blessing to our newly-adopted brethren; for securing to them the rights of conscience and of property: for confirming to the Indian inhabitants their occupancy and self-government, establishing friendly and commercial relations with them, and for ascertaining the geography of the country acquired. Such materials for your information, relative to its affairs in general, as the short space of time has permitted me to collect, will be laid before you when the subject shall be in a state for your consideration.

Another important acquisition of territory has also been made since the last session of Congress. The friendly tribe of Kaskaskia Indians with which we have never had a difference, reduced by the wars and wants of savage life to a few individuals unable to defend themselves against the neighboring tribes, has transferred its country to the United States, reserving only for its members what is sufficient to maintain them in an agricultural way. The considerations stipulated are, that we shall extend to them our patronage and protection, and give them certain annual aids in money, in implements of agriculture, and other articles of their choice. This country, among the most fertile within our limits, extending along the Mississippi from the mouth of the

Illinois to and up the Ohio, though not so necessary as a barrier since the acquisition of the other bank, may yet be well worthy of being laid open to immediate settlement, as its inhabitants may descend with rapidity in support of the lower country should future circumstances expose that to foreign enterprise. As the stipulations in this treaty also involve matters within the competence of both houses only, it will be laid before Congress as soon as the senate shall have advised its ratification.

With many other Indian tribes, improvements in agriculture and household manufacture are advancing, and with all our peace and friendship are established on grounds much firmer than heretofore. The measure adopted of establishing trading houses among them, and of furnishing them necessaries in exchange for their commodities, at such moderated prices as leave no gain, but cover us from loss, has the most conciliatory and useful effect upon them, and is that which will best secure their peace and good will.

The small vessels authorized by Congress with a view to the Mediterranean service, have been sent into that sea, and will be able more effectually to confine the Tripoline cruisers within their harbors, and supersede the necessity of convoy to our commerce in that quarter. They will sensibly lessen the expenses of that service the ensuing year.

A further knowledge of the ground in the north-eastern and north-western angles of the United States has evinced that the boundaries established by the treaty of Paris, between the British territories and ours in those parts, were too imperfectly described to be susceptible of execution. It has therefore been thought worthy of attention, for preserving and cherishing the harmony and useful intercourse subsisting between the two nations, to remove by timely arrangements what unfavorable incidents might otherwise render a ground of future misunderstanding. A convention has therefore been entered into, which provides for a practicable demarkation of those limits to the satisfaction of both parties.

An account of the receipts and expenditures of the year ending 30th September last, with the estimates for the service of the ensuing year, will be laid before you by the secretary of the

treasury so soon as the receipts of the last quarter shall be returned from the more distant States. It is already ascertained that the amount paid into the treasury for that year has been between eleven and twelve millions of dollars, and that the revenue accrued during the same term exceeds the sum counted on as sufficient for our current expenses, and to extinguish the public debt within the period heretofore proposed.

The amount of debt paid for the same year is about three millions one hundred thousand dollars, exclusive of interest, and making, with the payment of the preceding year, a discharge of more than eight millions and a half of dollars of the principal of that debt, besides the accruing interest; and there remain in the treasury nearly six millions of dollars. Of these, eight hundred and eighty thousand have been reserved for payment of the first instalment due under the British convention of January 8th, 1802, and two millions are what have been before mentioned as placed by Congress under the power and accountability of the president, toward the price of New Orleans and other territories acquired, which, remaining untouched, are still applicable to that object, and go in diminution of the sum to be funded for it.

Should the acquisition of Louisiana be constitutionally confirmed and carried into effect, a sum of nearly thirteen millions of dollars will then be added to our public debt, most of which is payable after fifteen years; before which term the present existing debts will all be discharged by the established operation of the sinking fund. When we contemplate the ordinary annual augmentation of imposts from increasing population and wealth, the augmentation of the same revenue by its extension to the new acquisition, and the economies which may still be introduced into our public expenditures, I cannot but hope that Congress in reviewing their resources will find means to meet the intermediate interests of this additional debt without recurring to new taxes, and applying to this object only the ordinary progression of our revenue. Its extraordinary increase in times of foreign war will be the proper and sufficient fund for any measures of safety or precaution which that state of things may render necessary in our neutral position.

Remittances for the instalments of our foreign debt having

been found impracticable without loss, it has not been thought expedient to use the power given by a former act of Congress of continuing them by reloans, and of redeeming instead thereof equal sums of domestic debt, although no difficulty was found in obtaining that accommodation.

The sum of fifty thousand dollars appropriated by Congress for providing gun-boats, remains unexpended. The favorable and peaceful turn of affairs on the Mississippi rendered an immediate execution of that law unnecessary, and time was desirable in order that the institution of that branch of our force might begin on models the most approved by experience. The same issue of events dispensed with a resort to the appropriation of a million and a half of dollars contemplated for purposes which were effected by happier means.

We have seen with sincere concern the flames of war lighted up again in Europe, and nations with which we have the most friendly and useful relations engaged in mutual destruction. While we regret the miseries in which we see others involved let us bow with gratitude to that kind Providence which, inspiring with wisdom and moderation our late legislative councils while placed under the urgency of the greatest wrongs, guarded us from hastily entering into the sanguinary contest, and left us only to look on and to pity its ravages. These will be heaviest on those immediately engaged. Yet the nations pursuing peace will not be exempt from all evil. In the course of this conflict, let it be our endeavor, as it is our interest and desire, to cultivate the friendship of the belligerent nations by every act of justice and of incessant kindness; to receive their armed vessels with hospitality from the distresses of the sea, but to administer the means of annoyance to none; to establish in our harbors such a police as may maintain law and order; to restrain our citizens from embarking individually in a war in which their country takes no part; to punish severely those persons, citizen or alien, who shall usurp the cover of our flag for vessels not entitled to it, infecting thereby with suspicion those of real Americans, and committing us into controversies for the redress of wrongs not our own; to exact from every nation the observance, toward our vessels and citizens, of those principles and practices which all civilized people acknowledge; to merit the character of a just nation, and

maintain that of an independent one, preferring every consequence to insult and habitual wrong. Congress will consider whether the existing laws enable us efficaciously to maintain this course with our citizens in all places, and with others while within the limits of our jurisdiction, and will give them the new modifications necessary for these objects. Some contraventions of right have already taken place, both within our jurisdictional limits and on the high seas. The friendly disposition of the governments from whose agents they have proceeded, as well as their wisdom and regard for justice, leave us in reasonable expectation that they will be rectified and prevented in future ; and that no act will be countenanced by them which threatens to disturb our friendly intercourse. Separated by a wide ocean from the nations of Europe, and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them and theirs to us, it cannot be the interest of any to assail us, nor ours to disturb them. We should be most unwise, indeed, were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with of pursuing, at a distance from foreign contentions, the paths of industry, peace, and happiness ; of cultivating general friendship, and of bringing collisions of interest to the umpirage of reason rather than of force. How desirable then must it be, in a government like ours, to see its citizens adopt individually the views, the interests, and the conduct which their country should pursue, divesting themselves of those passions and partialities which tend to lessen useful friendships, and to embarrass and embroil us in the calamitous scenes of Europe. Confident, fellow citizens, that you will duly estimate the importance of neutral dispositions toward the observance of neutral conduct, that you will be sensible how much it is our duty to look on the bloody arena spread before us with commiseration indeed, but with no other wish than to see it closed, I am persuaded you will cordially cherish these dispositions in all discussions among yourselves, and in all communications with your constituents ; and I anticipate with satisfaction the measures of wisdom which the great interests now committed to *you* will give you an opportunity of providing, and *myself* that of approving and carrying into execution with the fidelity I owe to my country.

SPECIAL MESSAGE ON LOUISIANA. J. MSS.

October 21, 1803.

To the Senate and House of Representatives of the United States:

In my communications to you of the 17th instant, I informed you that conventions had been entered into with the government of France for the cession of Louisiana to the United States. These, with the advice and consent of the Senate, having now been ratified, and my ratification exchanged for that of the first consul of France in due form, they are communicated to you for consideration in your legislative capacity. You will observe that some important conditions cannot be carried into execution, but with the aid of the legislature; and that time presses a decision on them without delay.

The ulterior provisions, also suggested in the same communication, for the occupation and government of the country, will call for early attention. Such information relative to its government, as time and distance have enabled me to obtain, will be ready to be laid before you within a few days. But, as permanent arrangements for this object may require time and deliberation, it is for your consideration whether you will not, forthwith, make such temporary provisions for the preservation, in the meanwhile, of order and tranquillity in the country, as the case may require.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

October 29, 1803.

I must ask the favor of you to meet the heads of Departments here to-morrow at 12 o'clock and afterwards to dine with us. The object is to decide definitely on the arrangements which are to be despatched westwardly the next day. General Dearborn and myself had concluded to submit to the meeting a plan little different from that suggested in your letter of yesterday. To wit, to send orders to Claiborne and Wilkinson to march instantly five hundred regulars (which are prepared) from Fort Adams, and one thousand militia from the Mississippi Territory (if the information from Laussat to them shall indicate refusal from Spain). To

send hence on the same day a call on the Governor of Tennessee for two thousand volunteers, and of Kentucky for four thousand, to be officered, organized, accoutred, and mustered on a day to be named, such as that Claiborne and Wilkinson might by that day send them information whether they would be wanted, and to march or do otherwise accordingly. I had since thought myself to propose that, on receiving information that there would be resistance, they should send sufficient parties of regulars and militia across the Mississippi to take by surprise New Madrid, St. Genevieve, St. Louis, and all the other small posts, and that all this should be made as much as possible the act of France, by including Laussat, with the aid of Clark, to raise an insurrectionary force of the inhabitants, to which ours might be only auxiliary. But all this, with much more, is to be considered to-morrow. Affectionate salutations.[1]

[1] On the subject of Louisiana, Jefferson further wrote to Gallatin:

"Nov. 9, 1803.

"The memoranda you inclosed me from Mr. Clarke deserve great attention. Such articles of them as depend on the executive shall be arranged for the next post. The following articles belong to the legislature.

"The administration of justice to be prompt. Perhaps the judges should be obliged to hold their courts weekly, at least for some time to come.

"The ships of resident owners to be naturalized, and in general the laws of the U. S., respecting navigation, importation, exportation &c., to be extended to the ports of the ceded territory.

"The hospital to be provided for.

"Slaves not to be imported, except from such of the U. S. as prohibit importation.

"Without looking at the old territorial ordinance, I had imagined it best to found a goverment for the territory or territories of *lower* Louisiana on that basis. But on examining it, I find it will not do at all; that it would turn all their laws topsy turvy. Still I believe it best to appoint a governor & three judges, with legislative powers; only providing that the judges shall form the laws, & the governor have a negative only, subject further to the negative of a national legislature. The existing laws of the country being now in force, the new legislature will of course introduce the trial by jury in *criminal* cases, first; the habeas corpus, the freedom of the press, freedom of religion &c., as soon as can be, and in general draw their laws and organization to the mould of ours by degrees as they find practicable without exciting too much discontent. In proportion as we find the people there riper for receiving these first princi-

RULES OF ETIQUETTE.[1]

J. MSS.

[Nov. ? 1803.]

I. In order to bring the members of society together in the first instance, the custom of the country has established that residents shall pay the first visit to strangers, and, among strangers, first comers to later comers, foreign and domestic; the character of stranger ceasing after the first visits. To this rule there is a single exception. Foreign ministers, from the necessity of making themselves known, pay the first visit to the ministers of the nation, which is returned.

II. When brought together in society, all are perfectly equal, whether foreign or domestic, titled or untitled, in or out of office.

All other observances are but exemplifications of these two principles.

I. 1st. The families of foreign ministers, arriving at the seat of government, receive the first visit from those of the national ministers, as from all other residents.

2d. Members of the Legislature and of the Judiciary, independent of their offices, have a right as strangers to receive the first visit.

II. 1st. No title being admitted here, those of foreigners give no precedence.

2d. Differences of grade among diplomatic members, gives no precedence.

3d. At public ceremonies, to which the government invites the presence of foreign ministers and their families, a convenient seat or station will be provided for them, with any other strangers in-

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ples of freedom, congress may from session to session confirm their enjoyment of them.

"As you have so many more opportunities than I have of free confidence with individual members, perhaps you may be able to give them these hints to make what use of them they please. Affectionate salutations.

"P.S. My idea that upper Louisiana should be continued under its present form of government, only making it subordinate to the national government, and independent of lower Louisiana. No other government can protect it from intruders."

[1] Endorsed in Jefferson's hand: "This rough paper contains what was agreed upon."

vited and the families of the national ministers, each taking place as they arrive, and without any precedence.

4th. To maintain the principle of equality, or of pêle mêle, and prevent the growth of precedence out of courtesy, the members of the Executive will practice at their own houses, and recommend an adherence to the ancient usage of the country, of gentlemen in mass giving precedence to the ladies in mass, in passing from one apartment where they are assembled into another.

TO THE U. S. MINISTER TO FRANCE. J. MSS.

(ROBERT R. LIVINGSTON.)

WASHINGTON, Nov. 4, 1803.

DEAR SIR,—A report reaches us this day from Baltimore, (on probable, but not certain grounds,) that Mr. Jerome Bonaparte, brother of the First Consul, was yesterday [1] married to Miss Patterson, of that city. The effect of this measure on the mind of the First Consul, is not for me to suppose ; but as it might occur to him, *prima facie*, that the Executive of the U. S. ought to have prevented it, I have thought it advisable to mention the subject to you, that, if necessary, you may by explanations set that idea to rights. You know that by our laws, all persons are free to enter into marriage, if of 21 years of age, no one having a power to restrain it, not even their parents ; and that under that age, no one can prevent it but the parent or guardian. The lady is under age, and the parents, placed between her affections, which were strongly fixed, and the considerations opposing the measure, yielded with pain & anxiety to the former. Mr. Patterson is the President of the Bank of Baltimore, the wealthiest man in Maryland, perhaps in the U. S., except Mr. Carroll ; a man of great virtue & respectability ; the mother is the sister of the lady of General Saml Smith ; and, consequently, the station of the family in society is with the first of the U. S. These circumstances fix rank in a country where there are no hereditary titles.

[1] November 8. It is now said that it did not take place on the 3d, but will this day.—*T. J.*

Your treaty has obtained nearly a general approbation. The federalists spoke & voted against it, but they are now so reduced in their numbers as to be nothing. The question on its ratification in the Senate was decided by 24 against 7, which was 10 more than enough. The vote in the H. of R. for making provision for its execution was carried by 89 against 23, which was a majority of 66, and the necessary bills are going through the Houses by greater majorities. Mr. Pichon, according to instructions from his government, proposed to have added to the ratification a protestation against any failure in time or other circumstances of execution, on our part. He was told, that in that case we should annex a counter protestation, which would leave the thing exactly where it was. That this transaction had been conducted, from the commencement of the negociation to this stage of it, with a frankness & sincerity honorable to both nations, and comfortable to the heart of an honest man to review ; that to annex to this last chapter of the transaction such an evidence of mutual distrust, was to change its aspect dishonorably for us both, and contrary to truth as to us ; for that we had not the smallest doubt that France would punctually execute its part ; & I assured Mr. Pichon that I had more confidence in the word of the First Consul than in all the parchment we could sign. He saw that we had ratified the treaty ; that both branches had passed, by great majorities, one of the bills for execution, & would soon pass the other two ; that no circumstance remained that could leave a doubt of our punctual performance ; & like an able & an honest minister, (which he is in the highest degree,) he undertook to do what he knew his employers would do themselves, were they here spectators of all the existing circumstances, and exchanged the ratifications purely and simply : so that this instrument goes to the world as an evidence of the candor & confidence of the nations in each other, which will have the best effects. This was the more justifiable, as Mr. Pichon knew that Spain had entered with us a protestation against our ratification of the treaty, grounded 1st, on the assertion that the First Consul had not executed the conditions of the treaties of cession ; &, 2ly, that he had broken a solemn promise not to alienate the country to any nation. We answered, that these were private questions between

France & Spain, which they must settle together ; that we derived our title from the First Consul, & did not doubt his guarantee of it ; and we, four days ago, sent off orders to the Governor of the Mississippi territory & General Wilkinson to move down with the troops at hand to New Orleans, to receive the possession from Mr. Laussat. If he is heartily disposed to carry the order of the Consul into execution, he can probably command a voluntary force at New Orleans, and will have the aid of ours also, if he desires it, to take the possession, & deliver it to us. If he is not so disposed, *we* shall take the possession, & it will rest with the government of France, by adopting the act as their own, & obtaining the confirmation of Spain, to supply the non-execution of their stipulation to deliver, & to entitle themselves to the compleat execution of our part of the agreements. In the meantime, the Legislature is passing the bills, and we are preparing everything to be done on our part towards execution ; and we shall not avail ourselves of the three months' delay after possession of the province, allowed by the treaty for the delivery of the stock, but shall deliver it the moment that possession is known here, which will be on the 18th day after it has taken place. * * *

TO JOHN BRECKENRIDGE. J. MSS.

WASHINGTON Nov. 24, 03.

DEAR SIR,—I thought I perceived in you the other day a dread of the job of preparing a constitution for the new acquisition. With more boldness than wisdom I therefore determined to prepare a canvass, give it a few daubs of outline, and send it to you to fill up. I yesterday morning took up the subject and scribbled off the inclosed. In communicating it to you I must do it in confidence that you will never let any person know that I have put pen to paper on the subject and that if you think the inclosed can be of any aid to you you will take the trouble to copy it & return me the

original. I am this particular, because you know with what bloody teeth & fangs the federalists will attack any sentiment or principle known to come from me, & what blackguardisms & personalities they make it the occasion of vomiting forth. My time does not permit me to go into explanation of the inclosed by letter. I will only observe therefore as to a single feature of the legislature, that the idea of an Assembly of Notables came into my head while writing, as a thing more familiar & pleasing to the French, than a legislation of judges. True it removes their dependence from the judges to the Executive: but this is what they are used to & would prefer. Should Congress reject the nomination of judges for 4 years & make them during good behavior, as is probable, then, should the judges take a kink in their heads in favor of leaving the present laws of Louisiana unaltered, that evil will continue for their lives, unamended by us, and become so inveterate that we may never be able to introduce the uniformity of law so desirable. The making the same persons so directly judges & legislators is more against principle, than to make the same persons Executive, and the elector of the legislative members. The former too are placed above all responsibility, the latter is under a perpetual control if he goes wrong. The judges have to act on 9. out of 10. of the laws which are made; the governor not on one in 10. But strike it out & insert the judges if you think it better, as it was a sudden conceit to which I am not attached; and make what alterations you please, as I had never [had] before

time to think on the subject, or form the outlines of any plan, & probably shall not again. Accept my friendly salutations.

TO JOHN RANDOLPH. J. MSS.

WASHINGTON, Dec. 1, 03.

DEAR SIR,—The explanation in your letter of yesterday was quite unnecessary to me. I have had too satisfactory proofs of your friendly regard, to be disposed to suspect anything of a contrary aspect. I understood perfectly the expressions stated in the newspaper to which you allude, to mean, that "tho' the proposition came from the *republican quarter* of the House, yet you should not concur with it." I am aware that in parts of the Union, & even with persons to whom Mr. Eppes and Mr. Randolph are unknown, & myself little known, it will be presumed from their connection, that what comes from them comes from me. No men on earth are more independent in their sentiments than they are, nor any one less disposed than I am to influence the opinions of others. We rarely speak of politics, or of the proceedings of the House, but merely historically, and I carefully avoid expressing an opinion on them, in their presence, that we may all be at our ease. With other members, I have believed that more unreserved communications would be advantageous to the public. This has been, perhaps, prevented by mutual delicacy. I have been afraid to express opinions unasked, lest I should be suspected of wishing to direct the legislative action of members. They have avoided asking

communications from me, probably, lest they should be suspected of wishing to fish out executive secrets. I see too many proofs of the imperfection of human reason, to entertain wonder or intolerance at any difference of opinion on any subject; and acquiesce in that difference as easily as on a difference of feature or form; experience having long taught me the reasonableness of mutual sacrifices of opinion among those who are to act together for any common object, and the expediency of doing what good we can, when we cannot do all we would wish.

Accept my friendly salutations, and assurances of great esteem & respect.

TO DEWITT CLINTON. J. MSS.

WASHINGTON, Dec. 2, 03.

DEAR SIR,—Your favor of the 26th ult. has been received. Mr. Van Wyck's appointment as commr. of bankruptcy only awaits Mr. Sandford's resignation. The papers in the case of Lt. Wolstencroft shall be recommended to the inquiries & attentions of the Secretary at War. I should think it indeed a serious misfortune should a change in the administration of your government be hazarded before its present principles be well established through all its parts. Yet, on reflection, you will be sensible that the delicacy of my situation, considering who may be competitors, forbids my intermeddling, even so far as to write the letter you suggest. I can therefore only brood in silence over my secret wishes.

I am less able to give you the proceedings of Congress than your correspondents who are of that body. More difference of opinion seems to exist as to the manner of disposing of Louisiana, than I had imagined possible: and our leading friends are not yet sufficiently aware of the necessity of accommodation & mutual sacrifice of opinion for conducting a numerous assembly, where the opposition too is drilled to act in phalanx on every question. Altho' it is acknoleged that our new fellow citizens are as yet as incapable of self government as children, yet some cannot bring themselves to suspend its principles for a single moment. The temporary or territorial government of that country therefore will encounter great difficulty. The question too whether the settlement of upper Louisiana shall be prohibited occasions a great division of our friends. Some are for prohibiting it till another amendment of the constn shall permit it; others for prohibiting by authority of the legislature only, a third set for permitting immediate settlement. Those of the first opinion apprehend that if the legislature may open a land office there, it will become the ruling principle of elections, & end in a yazoo scheme: those of the 2d opinion fear they may never get an amendment of the constitution permitting the settlement. Accept my friendly salutations & assurances of great esteem & respect.

TO THE SECRETARY OF THE TREASURY.

(ALBERT GALLATIN.) J. MSS.

WASHINGTON, Dec. 13, 03.

The Attorney Genl having considered and decided that the prescription in the law for establishing a bank, that the officers in the subordinate offices of discount & deposit, shall be appointed 'on the same terms and in the same manner practised in the principal bank,' does not extend to them the principle of rotation, established by the Legislature in the body of directors in the principal bank, it follows that the extension of that principle has been merely a voluntary & prudential act of the principal bank, from which they are free to depart. I think the extension was wise & proper on their part, because the Legislature having deemed rotation useful in the principal bank constituted by them, there would be the same reason for it in the subordinate banks to be established by the principal. It breaks in upon the *esprit de corps* so apt to prevail in permanent bodies; it gives a chance for the public eye penetrating into the sanctuary of those proceedings & practices, which the avarice of the directors may introduce for their personal emolument, & which the resentments of excluded directors, or the honesty of those duly admitted, might betray to the public; and it gives an opportunity at the end of the year, or at other periods, of correcting a choice, which, on trial, proves to have been unfortunate; an evil of which themselves complain in their distant institutions. Whether, however, they have a power to alter this, or not, the executive has no right to decide; & their consultation with you has been merely an act of complaisance, or a desire to shield so important an innovation under the cover of executive sanction. But ought we to volunteer our sanction in such a case? Ought we to disarm ourselves of any fair right of animadversion, whenever that institution shall be a legitimate subject of consideration? I own, I think the most proper answer would be, that we do not think ourselves authorized to give an opinion on the question.

From a passage in the letter of the President, I observe an idea of establishing a branch bank of the U. S. in New Orleans. This institution is one of the most deadly hostility existing, against the

principles & form of our Constitution. The nation is, at this time, so strong & united in it's sentiments, that it cannot be shaken at this moment. But suppose a series of untoward events should occur, sufficient to bring into doubt the competency of a republican government to meet a crisis of great danger, or to unhinge the confidence of the people in the public functionaries; an institution like this, penetrating by it's branches every part of the Union, acting by command & in phalanx, may, in a critical moment, upset the government. I deem no government safe which is under the vassalage of any self-constituted authorities, or any other authority than that of the nation, or it's regular functionaries. What an obstruction could not this bank of the U. S., with all it's branch banks, be in time of war? It might dictate to us the peace we should accept, or withdraw it's aids. Ought we then to give further growth to an institution so powerful, so hostile? That it is so hostile we know, 1, from a knowledge of the principles of the persons composing the body of directors in every bank, principal or branch; and those of most of the stockholders: 2, from their opposition to the measures & principles of the government, & to the election of those friendly to them: and 3, from the sentiments of the newspapers they support. Now, while we are strong, it is the greatest duty we owe to the safety of our Constitution, to bring this powerful enemy to a perfect subordination under it's authorities. The first measure would be to reduce them to an equal footing only with other banks, as to the favors of the government. But, in order to be able to meet a general combination of the banks against us, in a critical emergency, could we not make a beginning towards an independent use of our own money, towards holding our own bank in all the deposits where it is received, and letting the treasurer give his draft or note, for payment at any particular place, which, in a well-conducted government, ought to have as much credit as any private draft, or bank note, or bill, and would give us the same facilities which we derive from the banks? I pray you to turn this subject in your mind, and to give it the benefit of your knowledge of details; whereas, I have only very general views of the subject. Affectionate salutations.

TO THE SPECIAL ENVOY. J. MSS.
(JAMES MONROE.)

WASHINGTON, Jan. 8, 1804.

DEAR SIR,—A confidential opportunity offering by Mr. Baring, I can venture to write to you with less reserve than common conveyances admit. The 150 livres you paid to Mr. Chas for me shall be replaced in the hands of Mr. Lewis your manager here, with thanks to you for honoring what you had no reason to doubt was a just claim on me. I do not know him personally or any otherwise than by his history of our Revolution, & of Buonaparte, a single copy of which he sent me. I never heard of any other being sent, nor should I have undertaken, or he expected me, to be the vender of his books here, to keep accounts and make remittances for him. If he has sent any copies for sale to my care, I have never heard of them. Isaac Coles, son of Colo. Coles our neighbor is gone to London, Paris, &c. He asked from me a letter to you. I told him I had been obliged to make it a rule to give no letters of introduction while in my present office; but that in my first letter to you I would mention to you the reason why I gave him none. He is a most worthy young man, & one whom I had intended to have asked to be my Secretary, had Mr. Harvie declined the offer. You know the worth of his family. I inclose you two letters for Mr. Williams, asking you from your knolege of persons and things to use your discretion for me, and deliver whichever you think best, suppressing the other. With respect to my correspondence with literary characters in Europe, to the great mass of those who send me copies of their works, being otherwise unknown to me, or perhaps not advantageously known, I return them simple notes of thanks, sometimes saying I have no doubt *I shall* have great satisfaction in perusing their works as soon as my occupations will permit; and, where I have found the work to possess merit, saying so in a complimentary way. With Volney, Dupont, Cabanis, Cepede, I had intimate & very friendly intercourse in France, & with the two first here. With Sr. John Sinclair I had the same in France & England, and with Mr. Strickland here. To these persons I write freely on subjects of literature, and to a certain degree on politics, respecting

however their personal opinions, and their situation so as not to compromit them were a letter intercepted. Indeed what I write to them in this way are for the most part such truths & sentiments as would do us good if known to their government, and, as probably as not, are communicated to them. To the Earl Buchan I have written one letter in answer to the compliment of a volume of his which he sent me. He is an honorable, patriotic, & virtuous character, was in correspondence with Dr. Franklin and General Washington, & had every title to a respectful answer from me. I expressed myself to him in terms which were true, & therefore the more satisfactory to him. I have received a volume of geology, of great merit, from Faufas de St. Fond. I did not know him personally, nor do I know the standing he holds in society or his government; but an intimate acquaintance of his here gives me a good account of him as an amiable and virtuous man. My answer to him will be more than a mere compliment of thanks, but confined to the branch of science which is the subject of his work. An opening has been given me of making a communication which will be acceptable to the emperor Alexander, either directly or indirectly, and as from one private individual to another. I have not decided whether to do it or not. This is the whole extent of the literary correspondence which I now keep up in Europe, aud I set the more value on it inasmuch as I can make private friendships instrumental to the public good by inspiring a confidence which is denied to public, and official communications.

I expect this evening's post will bring us the account that Louisiana was formally delivered to us about the 16th of December. This aquisition is seen by our constituents in all it's importance, & they do justice to all those who have been instrumental towards it. Fortunately, the federal leaders have had the imprudence to oppose it pertinaciously, which has given an occasion to a great proportion of their quondam honest adherents to abandon them and join the republican standard. They feel themselves now irretrievably lost, and are ceasing to make further opposition in the states, or anywhere but in Congress. I except however N. Hampshire, Mass. Connect. & Delaware. The 1st will be with us in the course of this year; Connecticut is advancing with a slow

but steady step, never losing the ground she gains; Massachusetts has a Republicanism of so flaccid a texture, and Delaware so much affected by every little topical information, that we must wait for them with patience & good Humour. Congress is now engaged in a bill for the government of Louisiana. It is impossible to foresee in what shape it will come out. They talk of giving 5,000 D. to the Governor, but the bill also proposes to commence at the close of this session. I have in private conversations demonstrated to individuals that that is impossible; that the necessary officers cannot be mustered there under 6 months. If they give that time for it's commencement, it may admit our appointing you to that office, as I presume you could be in place with a term not much beyond that, & in the interval the Secretary of the state would govern. But the idea of the public as to the importance of that office would not bear a long absence of the principal. You are not to calculate that 5,000 D. would place you by any means as much at your ease there as 9,000 D. where you are. In that station you cannot avoid expensive hospitality. Where you are, altho' it is not pleasant to fall short in returning civilities, yet necessity has rendered this so familiar in Europe as not to lessen respect for the person whose circumstances do not permit a return of hospitalities. I see by your letters the pain which this situation gives you, and I can estimate its acuteness from the generosity of your nature. But, my dear friend, calculate with mathematical rigour the pain annexed to each branch of the dilemma & pursue that which brings the least. To give up entertainment, & to live with the most rigorous economy till you have cleared yourself of every demand is a pain for a definite time only: but to return here with accumulated encumbrances on you, will fill your life with torture. We wish to do everything for you which law & rule will permit. But more than this would injure you as much as us. Believing that the mission to Spain will enable you to suspend expense greatly in London, & to apply your salary during your absence to the clearing off your debt, you will be instructed to proceed there as soon as you shall have regulated certain points of neutral right for us with England, or as soon as you find nothing in that way can be done. This you should hurry as much as possible, that you may proceed to Spain, for settling with that court the boun-

daries of Louisiana. On this subject Mr. Madison will send you the copy of a memoir of mine, written last summer while I was among my books at Monticello. We scarcely expect any liberal or just settlement with Spain, and are perfectly determined to obtain or to take our just limits. How far you will suffer yourself to be detained there by the procrastinations of artifice or indolence must depend on the prospects which arise, and on your own determination to accept the government of Louisiana, which will admit but of a limited delay. It is probable that the inhabitants of Louisiana on the left bank of the Mississippi and inland Eastwardly to a considerable extent, will very soon claim to be received under our jurisdiction, and that this end of W. Florida will thus be peaceably got possession of. For Mobile and the Eastern end we shall await favorable conjunctures. If they refuse to let our vessels have free ingress & egress in the Mobile to & from the Tombiggy settlements, and if Spain is at war, the crisis there will be speedy. Fulwar Skipwith wishes office in Louisiana. But he should be made sensible of the impossibility of an office remaining vacant till we can import an incumbent from Europe. That of Govr. is the only one for which the law has made that sort of provision. Besides he has been so long absent from America, that he cannot have habits and feelings, and the tact necessary to be in unison with his countrymen here. He is much fitter for any matters of business (below that of diplomacy) which we may have to do in Europe. There is here a great sense of the inadequacy of C. Pinckney to the office he is in. His continuance is made a subject of standing reproach to myself personally, by whom the appointment was made before I had collected the administration. He declared at the time that nothing would induce him to continue so as not to be here at the ensuing Presidential election. I am persuaded he expected to be proposed at it as V. P. After he got to Europe his letters asked only a continuance of two years. But he now does not drop the least hint of a voluntary return. Pray, my dear sir, avail yourself of his vanity, his expectations, his fears, and whatever will weigh with him to induce him to ask leave to return, and obtain from him to be the bearer of the letter yourself. You will render us in this the most acceptable service possible. His enemies here are

perpetually dragging his character in the dirt, and charging it on the administration. He does, or ought to know this, and to feel the necessity of coming home to vindicate himself, if he looks to anything further in the career of honor.

You ask for small news. Mr. Randolph & Mr. Eppes are both of Congress, and now with me, their wives lying in at home. Trist was appointed collector of Natchez and on the removal of that office down to New Orleans will be continued there. His family still remain in Albemarle, but will join him in the spring. Dr. Bache has been to N. Orleans as Physician to the hospital there. He is returned to Philadelphia where his wife is, and where they will probably remain. Peachey Gilmer has married Miss House, and will go with the family to N. Orleans. Mr. Short has been to Kentucky, and will return to Europe in the spring. The deaths of Samuel Adams & Judge Pendleton you will have heard of. Colo. N. Lewis, Divers & the Carrs are all well and their families. Sam. Carr is now living in Albemarle. J. F. Mercer's quarrel with his counsel has carried him over openly to the federalists. He is now in the Maryland legislature entirely thrown off by the republicans. He has never seen or written on these things to Mr. Madison or myself. When mentioning your going to N. Orleans & that the salary there would not increase the ease of your situation, I meant to have added that the only considerations which might make it eligible to you were the facility of getting there the richest land in the world, the extraordinary profitableness of their culture, and that the removal of your slaves there might immediately put you under way. You alone however can weight these things for yourself, and after all, it may depend on the time the legislature may give for commencing the new government. But, let us hear from you as soon as you can determine, that we may not incur the blame of waiting for nothing. Mr. Merry is with us, and we believe him to be personally as desirable a character as could have been sent us. But he is unluckily associated with one of an opposite character in every point. She has already disturbed our harmony extremely. He began by claiming the first visit from the national ministers. He corrected himself in this. But a pretension to take precedence at dinners &c. over all others

is persevered in. We have told him that the principle of society, as well as of government, with us, is the equality of the individuals composing it. That no man here would come to a dinner, where he was to be marked with inferiority to any other. That we might as well attempt to force our principle of equality at St. James's as he his principle of precedent here. I had been in the habit, when I invited female company (having no lady in my family) to ask one of the ladies of the 4. secretaries to come & take care of my company ; and as she was to do the honors of the table I handed her to dinner myself. That Mr. Merry might not construe this as giving them a precedence over Mrs. Merry, I have discontinued it. And here as well as in private houses, the pele-mele practice, is adhered to. They have got Yrujo to take a zealous part in the claim of precedence : it has excited generally emotions of great contempt and indignation, (in which the members of the legislature participate sensibly,) that the agents of foreign nations should assume to dictate to us what shall be the laws of our society. The consequence will be that Mr. & Mrs. Merry will put themselves into Coventry, & that he will lose the best half of his usefulness to his nation, that derived from a perfectly familiar & private intercourse with the secretaries & myself. The latter be assured, is a virago, and in the short course of a few weeks has established a degree of dislike among all classes which one would have thought impossible in so short a time. Thornton has entered into their ideas. At this we wonder, because he is a plain man, a sensible one, & too candid to be suspected of wishing to bring on their recall & his own substitution. To counterwork their misrepresentations, it would be well their government should understand as much of these things as can be communicated with decency, that they may know the spirit in which their letters are written. We learn that Thornton thinks we are not as friendly now to Great Britain as before our acquisition of Louisiana. This is totally without foundation. Our friendship to that nation is cordial and sincere. So is that with France. We are anxious to see England maintain her standing, only wishing she would use her power on the ocean with justice. If she had done this heretofore, other nations would not have stood by and looked on with unconcern on a conflict which endangers her existence. We are

not indifferent to it's issue, nor should we be so on a conflict on which the existence of France should be in danger. We consider each as a necessary instrument to hold in check the disposition of the other to tyrannize over other nations. With respect to Merry, he appears so reasonable and good a man, that I should be sorry to lose him as long as there remains a possibility of reclaiming him to the exercise of his own dispositions. If his wife perseveres, she must eat her soup at home, and we shall endeavor to draw him into society as if she did not exist. It is unfortunate that the good understanding of nations should hang on the caprice of an individual, who ostensibly has nothing to do with them. Present my friendly & respectful salutations to Mrs. Monroe & Miss Eliza: and be assured yourself of my constant affections.

Jan. 16. Louisiana was delivered to our Commissioners on the 20th. Dec.

TO THOMAS McKEAN. J. MSS.

WASHINGTON, Jan. 17, 1804.

DEAR SIR,—I have duly received your favor of the 8th but the act of ratification which it announces is not yet come to hand. No doubt it is on it's way. That great opposition is and will be made by federalists to this amendment is certain. They know that if it prevails, neither a Presidt or Vice President can ever be made but by the fair vote of the majority of the nation, of which they are not. That either their opposition to the principle of discrimination now, or their advocation of it formerly was on party, not moral motives, they cannot deny. Consequently they fix for themselves the place in the scale of moral rectitude to which they are entitled. I am a friend to the discriminating principle; and for a reason more than others have, inasmuch as the discriminated vote of

my constituents will express unequivocally the verdict they wish to cast on my conduct. The abominable slanders of my political enemies have obliged me to call for that verdict from my country in the only way it can be obtained, and if obtained it will be my sufficient voucher to the rest of the world & to posterity, and leave me free to seek, at a definite time, the repose I sincerely wished to have retired to now. I suffer myself to make no inquiries as to the persons who are to be placed on the rolls of competition for the public favor. Respect for myself as well as for the public requires that I should be the silent & passive subject of their consideration. We are now at work on a territorial division & government for Louisiana. It will probably be a small improvement of our former territorial governments, or first grade of government. The act proposes to give them an assembly of Notables, selected by the Governor from the principal characters of the territory. This will, I think, be a better legislature than the former territorial one, & will not be a greater departure from sound principle. Accept my friendly salutations & assurances of high respect & consideration.

TO DOCTOR JOSEPH PRIESTLEY. J. MSS.

WASHINGTON, Jan. 29, 1804.

DEAR SIR,—Your favor of December 12 came duly to hand, as did the 2d. letter to Doctor Linn, and the treatise of Phlogiston, for which I pray you to accept my thanks. The copy for Mr. Livingston has been delivered, together with your letter to him, to Mr.

Harvie, my secretary, who departs in a day or two for Paris, & will deliver them himself to Mr. Livingston, whose attention to your matter cannot be doubted. I have also to add my thanks to Mr. Priestley, your son, for the copy of your Harmony, which I have gone through with great satisfaction. It is the first I have been able to meet with, which is clear of those long repetitions of the same transaction, as if it were a different one because related with some different circumstances.

I rejoice that you have undertaken the task of comparing the moral doctrines of Jesus with those of the ancient Philosophers. You are so much in possession of the whole subject, that you will do it easier & better than any other person living. I think you cannot avoid giving, as preliminary to the comparison, a digest of his moral doctrines, extracted in his own words from the Evangelists, and leaving out everything relative to his personal history and character. It would be short and precious. With a view to do this for my own satisfaction, I had sent to Philadelphia to get two testaments Greek of the same edition, & two English, with a design to cut out the morsels of morality, and paste them on the leaves of a book, in the manner you describe as having been pursued in forming your Harmony. But I shall now get the thing done by better hands.

I very early saw that Louisiana was indeed a speck in our horizon which was to burst in a tornado; and the public are unapprized how near this catastrophe was. Nothing but a frank & friendly development of

causes & effects on our part, and good sense enough in Bonaparte to see that the train was unavoidable, and would change the face of the world, saved us from that storm. I did not expect he would yield till a war took place between France and England, and my hope was to palliate and endure, if Messrs. Ross, Morris, &c. did not force a premature rupture, until that event. I believed the event not very distant, but acknolege it came on sooner than I had expected. Whether, however, the good sense of Bonaparte might not see the course predicted to be necessary & unavoidable, even before a war should be imminent, was a chance which we thought it our duty to try; but the immediate prospect of rupture brought the case to immediate decision. The *dénoument* has been happy; and I confess I look to this duplication of area for the extending a government so free and economical as ours, as a great achievement to the mass of happiness which is to ensue. Whether we remain in one confederacy, or form into Atlantic and Mississippi confederacies, I believe not very important to the happiness of either part. Those of the western confederacy will be as much our children & descendants as those of the eastern, and I feel myself as much identified with that country, in future time, as with this; and did I now foresee a separation at some future day, yet I should feel the duty & the desire to promote the western interests as zealously as the eastern, doing all the good for both portions of our future family which should fall within my power.

Have you seen the new work of Malthus on popu-

lation? It is one of the ablest I have ever seen. Altho' his main object is to delineate the effects of redundancy of population, and to test the poor laws of England, & other palliations for that evil, several important questions in political economy, allied to his subject incidentally, are treated with a masterly hand. It is a single 4to volume, and I have been only able to read a borrowed copy, the only one I have yet heard of. Probably our friends in England will think of you, & give you an opportunity of reading it. Accept my affectionate salutations, and assurances of great esteem & respect.

TO CÆSAR A. RODNEY. J. MSS.

WASHINGTON, Feb. 24, 04.

DEAR SIR,—I receive with sincere grief your letter of the 21st and lament the necessity which calls for your retirement, if that necessity really exists. I had looked to you as one of those calculated to give cohesion to our rope of sand. You now see the composition of our public bodies, and how essential system and plan are for conducting our affairs wisely with so bitter a party in opposition to us, who look not at all to what is best for the public, but how they may thwart whatever we may propose, tho' they should thereby sink their country. Talents in our public councils are at all times important; but perhaps there never was a moment when the loss of any would be more injurious than at the present. The condition of our affairs is advantageous. But it is also true that we are now under a crisis which is not without hazard

from different quarters at home and abroad. But all this you understand perfectly, and if under such circumstances you withdraw I shall believe that the necessity which occasions it is imperious, and shall lament it most sincerely. Accept my affectionate salutations.

TO ELBRIDGE GERRY. J. MSS.

WASHINGTON, March 3, 1804.

DEAR SIR,—Altho' it is long since I received your favor of Oct. 27, yet I have not had leisure sooner to acknolege it. In the middle Southern States, as great an union of sentiment has now taken place as is perhaps desirable. For as there will always be an opposition, I believe it had better be from avowed monarchists than republicans. New York seems to be in danger of republican division; Vermont is solidly with us; R. I. with us on anomalous grounds; N. H. on the verge of the republican shore; Connecticut advancing towards it very slowly, but with steady step; your State only uncertain of making port at all. I had forgotten Delaware, which will be always uncertain, from the divided character of her citizens. If the amendment of the Constitution passes R. I., (and we expect to hear in a day or two,) the election for the ensuing 4 years seem to present nothing formidable. I sincerely regret that the unbounded calumnies of the federal party have obliged me to throw myself on the verdict of my country for trial, my great desire having been to retire, at the end of the present term, to a life of tranquillity; and it was my decided purpose

when I entered into office. They force my continuance. If we can keep the vessel of State as steadily in her course another 4 years, my earthly purposes will be accomplished, and I shall be free to enjoy, as you are doing, my family, my farm, & my books. That your enjoiments may continue as long as you shall wish them, I sincerely pray, and tender you my friendly salutations, and assurances of great respect & esteem.

TO COL. THOMAS NEWTON. J. MSS.

WASHINGTON Mar. 5, 1804.

DEAR SIR,—We have just heard of the calamitous event of Norfolk. I have not heard whether any persons are named to receive donations for the relief of the poor sufferers, and therefore take the liberty of inclosing two hundred dollars to you, & of asking the favor of you to have it applied in the way you think best, for the relief of such description of sufferers as you shall think best. I pray not to be named in newspapers on this occasion. Accept my friendly salutations & assurances of respect.

TO THE POST MASTER GENERAL. J. MSS.
(GIDEON GRANGER.)

MONTICELLO, April 16, 1804.

DEAR SIR,—* * * In our last conversation you mentioned a federal scheme afloat, of forming a coalition between the federalists and republicans, of what they called the 7 Eastern States. The idea was new to me, and after time for reflection I had no opportunity of conversing with you again. The federalists

know, that, *eo nominie*, they are gone forever. Their object, therefore, is, how to return into power under some other form. Undoubtedly they have but one means, which is to divide the republicans, join the minority, and barter with them for the cloak of their name. I say, *join the minority;* because the majority of the republicans not needing them, will not buy them. The minority, having no other means of ruling the majority, will give a price for auxiliaries, and that price must be principle. It is true that the federalists, needing their numbers also, must also give a price, and principle is the coin they must pay in. Thus a bastard system of federo-republicanism will rise on the ruins of the true principles of our revolution. And when this party is formed, who will constitute the majority of it, which majority is then to dictate? Certainly the federalists. Thus their proposition of putting themselves into gear with the republican minority, is exactly like Roger Sherman's proposition to add Connecticut to Rhode island. The idea of forming 7 Eastern States is moreover clearly to form the basis of a separation of the Union. Is it possible that real republicans can be gulled by such a bait? & for what? What do they wish that they have not? Federal measures? That is impossible. Republican measures? Have they them not? Can any one deny, that in all important questions of principle, republicanism prevails? But do they want that their individual will shall govern the majority? They may purchase the gratification of this unjust wish, for a little time, at a great price; but the federalists must not have the passions of other men, if, after getting thus into the seat of power, they suffer themselves to be governed by their minority. This minority may say, that whenever they relapse into their own principles, they will quit them, & draw the seat from under them. They may quit them, indeed, but, in the meantime, all the venal will have become associated with them, & will give them a majority sufficient to keep them in place, & to enable them to eject the heterogeneous friends by whose aid they get again into power. I cannot believe any portion of real republicans will enter into this trap; and if they do, I do not believe they can carry with them the mass of their States, advancing so steadily as we see them, to an union of principle with their brethern. It

will be found in this, as in all other similar cases, that crooked schemes will end by overwhelming their authors & coadjutors in disgrace, and that he alone who walks strait & upright, and who, in matters of opinion, will be contented that others should be as free as himself, & acquiesce when his opinion is fairly overruled, will attain his object in the end. And that this may be the conduct of us all, I offer my sincere prayers, as well as for your health & happiness.

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

MONTICELLO, Apr. 23, 04.

DEAR SIR,—I return by this mail the letters &c. received with yours of the 15th. I think with you that a cordial answer should be given to Mr. Merry on the orders he communicated, altho' they were merely the correction of an injustice. Would to god that nation would so far be just in her conduct, as that we might with honor give her that friendship it is so much our interest to bear her. She is now a living example that no nation however powerful, any more than an individual, can be unjust with impunity. Sooner or later public opinion, an instrument merely moral in the beginning, will find occasion physically to inflict it's sentences on the unjust. Nothing else could have kept the other nations of Europe from relieving her under her present crisis. The lesson is useful to the weak as well as the strong.

On the 17th instant our hopes & fears here took their ultimate form. I had originally intended to have left this towards the end of the present week. But a desire to see my family in a state of more composure before we separate will keep me somewhat longer. Still it is not probable I shall be here to answer any letter which leaves Washington after the 26th, because those of the succeeding post (the 30th) could not be answered till the 7th of May, when I may probably be on the road. Not having occasion to write to-day to the other heads of departments, will you be so good as to mention this to them? Accept my affectionate salutations.

TO SECRETARY OF THE NAVY. J. MSS.
(ROBERT SMITH.)

MONTICELLO, Apr. 27, 04.

DEAR SIR,—I now return you the sentence of the court of inquiry in Morris's case. What is the next step? I am not military jurist enough to say. But if it be a court marshal to try and pass the proper sentence on him, pray let it be done without delay while our captains are here. This opportunity of having a court should not be lost.

I have never been so mortified as at the conduct of our foreign functionaries on the loss of the Philadelphia. They appear to have supposed that we were all lost now, & without resource: and they have hawked us in forma pauperis begging alms at every court in Europe. This self-degradation is the more unpardonable as, uninstructed & unauthorized, they have taken measures which commit us by moral obligations which cannot be disavowed. The most serious of these is with the first consul of France, the Emperor of Russia & Grand Seigneur. The interposition of the two first has been so prompt, so cordial, so energetic, that it is impossible for us to decline the good offices they have done us. From the virtuous & warm-hearted character of the Emperor, and the energy he is using with the Ottoman Porte, I am really apprehensive that our squadron will, on it's arrival, find our prisoners all restored. If this should be the case, it would be ungrateful and insulting to these three great powers, to chastise the friend (Tripoli) whom they had induced to do us voluntary justice. Our expedition will in that case be disarmed and our just desires of vengeance disappointed, and our honor prostrated. To anticipate these measures, and to strike our blow before they shall have had their effect, are additional & cogent motives for getting off our squadron without a moment's avoidable delay. At the same time it has now become necessary to decide before it goes, what is to be the line of conduct of the Commodore if he should find our prisoners restored. I shall be with you about this day fortnight. Should the frigates be ready to go before that, I must desire you to have a consultation of the heads of departments as to the instructions, and to give orders to the Commodore in conformity. I would wish at the same time a question to be

taken whether the Commodore should not be instructed immediately on his arrival at his rendez-vous in the Mediterranean to send off at our expense the presents destined by Tripoli for the Grand Seigneur, and intercepted by us, with a letter from the Secretary of State to their analogous officer, who I believe is called the Reis effendi. I am not without hope Preble will have had the good sense to do this of his own accord. It's effect will now be lessened, as it will be considered, not as spontaneous, but in consequence of what the Porte may have done on the interference of the Emperor of Russia. Accept my affectionate salutations & assurances of attachment.

TO GENERAL JOHN ARMSTRONG. J. MSS.

WASHINGTON, May 26, 04.

DEAR SIR,—We find it of advantage to the public to ask of those to whom appointments are proposed, if they are not accepted, to say nothing of the offer, at least for a convenient time. The refusal cheapens the estimation of the public appointments and renders them less acceptable to those to whom they are secondarily proposed. The occasion of this remark will be found in a letter you will receive from the Secretary of State proposing to you the appointment to Paris as successor to Chancellor Livingston. I write this private letter to remove some doubts which might perhaps arise in your mind. You have doubtless heard of the complaints of our foreign ministers as to the incompetency of their salaries. I believe it would be better were they somewhat enlarged. Yet a moment's reflection will satisfy you that a man may live in any country on any scale he pleases, and more easily in that than this, because there the grades are more distinctly marked. From the ambassador there a certain degree of representation is expected. But the lower grades of Envoy, minister resident, Chargé, have been introduced to accommodate both the sovereign & missionary as to the scale of expense. I can assure you from my own knowledge of the ground that these latter grades are left free in the opinion of the place to adopt any style they please, & that it does not lessen their estimation or

their usefulness. When I was at Paris two-thirds of the diplomatic men of the 2d and 3d orders entertained nobody. Yet they were as much invited out and honored as those of the same grades who entertained. I suspect from what I hear that the Chancellor having always stood on a line with those of the first expense here, has not had resolution enough to yield place there, & that he has taken up the ambassadorial scale of expense. This procures one some sunshine friends who like to eat of your good things, but has no effect on the men of real business, the only men of real use to you, in a place where every man is estimated at what he really is. But this subject requires more detail than can be given but in conversation. If you accept, I think it will be necessary for you to come and pass some days here in reading the correspondence with the courts of Paris, London & Madrid, that you may be fully possessed of the state of things on that side the water so far as they concern us. The Chancellor being extremely urging in his last letters to be immediately relieved, we are obliged to ask all the expedition in departure which is practicable. The state of affairs between us & France as they respect St. Domingo is somewhat embarrassing & urgent. Accept my friendly salutations & assurances of great esteem & respect.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

May 30, 04.

Altho' I know that it is best generally to assign no reason for a removal from office, yet there are also times when the declaration of a principle is advantageous. Such was the moment at which the New Haven letter appeared. It explained our principles to our friends, and they rallied to them. The public sentiment has taken a considerable stride since that, and seems to require that they should know again where we stand. I suggest therefore for your consideration, instead of the following passage in your letter to Bowen, "I think it due to candor at the same time to inform you, that I had for some time been determined to remove you from office, although a successor has not yet been appointed by

the President, nor the precise time fixed for that purpose communicated to me;" to substitute this, "I think it due to candor at the same time to inform you, that the President considering that the patronage of public office should no longer be confided to one who uses it for active opposition to the national will, had, some time since, determined to place your office in other hands. But a successor not being yet fixed on, I am not able to name the precise time when it will take place."

My own opinion is, that the declaration of this principle will meet the entire approbation of all moderate republicans, and will extort indulgence from the warmer ones. Seeing that we do not mean to leave arms in the hands of active enemies, they will care the less at our tolerance of the inactive. Nevertheless, if you are strongly of opinion against such a declaration, let the letter go as you had written it.

TO THOMAS LEIPER. J. MSS.

WASHINGTON, June 11, 04.

DEAR SIR,—A Mr. John Hill of Philadephia asks of me whether Mr. Duane senr ever said in my presence 'that the members of the St. Patrick's society in Phila were all Federalists.' I do not know Mr. Hill, and the liberties which have been taken in publishing my letters renders it prudent not to commit them to persons whom I do not know, yet a desire never to be wanting to truth and justice makes me wish it to be known that Mr. Duane never did use such an expression or anything like it to me either verbally or in writing or any other way, nor utter a sentiment disrespectful of the society. I remember a considerable time ago to have had a letter from one of the society stating that such information they

heard had been given me, but not saying by whom, which letter I immediately answered with an assurance that no such suggestion had ever been made to me. I cannot now recollect to whom the answer was given and therefore cannot turn to it.[1] Our friends in Philadelphia seem to have got into such a jumble of subdivision that not knowing how they stand individually, I have been at a loss to whom I should address this with a request to repeat verbally the substance of this declaration as on my authority but not letting the letter go out of his hands. I have concluded to ask that favor of you whose justice I am sure will induce you to give the assurance where it may contribute to justice, and whose friendship will excuse the trouble of this request. Accept my friendly salutations & assurances of esteem & respect.

[1] Jefferson had already written to Joseph Scott:

WASHINGTON, Mar. 9, 04.

"SIR,—I have duly received your favor of the 5th inst, and I hasten to assure you that neither Doctr Leib nor Mr. Duane have ever given the least hint to me that yourself or your associates of the St. Patrick's society meditated joining a third party; or schismatizing in any way from the great body of republicans. That the rudiments of such a 3d party were formed in Pennsylvania & New York has been said in the newspapers, but not proved. Altho' I shall learn it with concern whenever it does happen, and think it possibly may happen that we shall divide among ourselves whenever federalism is compleatly eradicated, yet I think it the duty of every republican to make great sacrifices of opinion to put off the evil day, and that yourself and associates have as much disposition to do this as any portion of our body I have never seen reason to doubt. Recommending therefore sincerely a mutual indulgence, and candor among brethren and that we be content to obtain the best measures we can get, if we cannot get all we would wish, I tender you my salutations and respects."

TO MRS. JOHN ADAMS. J. MSS.

WASHINGTON, June 13, 04.

DEAR MADAM,—The affectionate sentiments which you have had the goodness to express in your letter of May 20, towards my dear departed daughter, have awakened in me sensibilities natural to the occasion, & recalled your kindnesses to her, which I shall ever remember with gratitude & friendship. I can assure you with truth, they had made an indelible impression on her mind, and that to the last, on our meetings after long separations, whether I had heard lately of you, and how you did, were among the earliest of her inquiries. In giving you this assurance I perform a sacred duty for her, & at the same time, am thankful for the occasion furnished me, of expressing my regret that circumstances should have arisen, which have seemed to draw a line of separation between us. The friendship with which you honored me has ever been valued, and fully reciprocated; & altho' events have been passing which might be trying to some minds, I never believed yours to be of that kind, nor felt that my own was. Neither my estimate of your character, nor the esteem founded in that, have ever been lessened for a single moment, although doubts whether it would be acceptable may have forbidden manifestations of it.

Mr. Adams's friendship & mine began at an earlier date. It accompanied us thro' long & important scenes. The different conclusions we had drawn from our political reading & reflections, were not permitted to lessen mutual esteem; each party being

conscious they were the result of an honest conviction in the other. Like differences of opinion existing among our fellow citizens, attached them to one or the other of us, and produced a rivalship in their minds which did not exist in ours. We never stood in one another's way; for if either had been withdrawn at any time, his favorers would not have gone over to the other, but would have sought for some one of homogeneous opinions. This consideration was sufficient to keep down all jealousy between us, & to guard our friendship from any disturbance by sentiments of rivalship; and I can say with truth, that one act of Mr. Adams's life, and one only, ever gave me a moment's personal displeasure. I did consider his last appointments to office as personally unkind. They were from among my most ardent political enemies, from whom no faithful co-operation could ever be expected; and laid me under the embarrassment of acting thro' men whose views were to defeat mine, or to encounter the odium of putting others in their places. It seemed but common justice to leave a successor free to act by instruments of his own choice. If my respect for him did not permit me to ascribe the whole blame to the influence of others, it left something for friendship to forgive, and after brooding over it for some little time, and not always resisting the expression of it, I forgave it cordially, and returned to the same state of esteem & respect for him which had so long subsisted. Having come into life a little later than Mr. Adams, his career has preceded mine, as mine is followed by some other;

and it will probably be closed at the same distance after him which time originally placed between us. I maintain for him, & shall carry into private life, an uniform & high measure of respect and good will and for yourself a sincere attachment.

I have thus, my dear Madam, opened myself to you without reserve, which I have long wished an opportunity of doing; and without knowing how it will be received, I feel relief from being unbosomed. And I have now only to entreat your forgiveness for this transition from a subject of domestic affliction, to one which seems of a different aspect. But tho' connected with political events, it has been viewed by me most strongly in it's unfortunate bearings on my private friendships. The injury these have sustained has been a heavy price for what has never given me equal pleasure. That you may both be favored with health, tranquillity and long life, is the prayer of one who tenders you the assurance of his highest consideration and esteem.[1]

[1] This letter, as it shows, was written in reply to one of condolence upon the death of Jefferson's daughter, Mrs. Eppes. In answer to the writer's reference to Adams' "midnight" appointments, Mrs. Adams replied with a *tu quoque*, by mentioning Jefferson's patronage of Callender. This called forth the following letter from Jefferson:

"WASHINGTON, July 22, 04.

"DEAR MADAM,—Your favor of the 1st inst. was duly received, and I would not have again intruded on you, but to rectify certain facts which seem not to have been presented to you under their true aspect. My charities to Callender are considered as rewards for his calumnies. As early, I think, as 1796, I was told in Philadelphia that Callender, the author of the Political progress of Britain, was in that city, a fugitive from persecution for having written that book, and in distress. I had read and approved the book: I considered him as a man of genius, unjustly persecuted. I knew nothing of his private character,

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

July 5, 04.

We did not collect the sense of our brethren the other day by regular questions, but as far as I could understand from what was said, it appeared to be,—1. That an acknolegment of our right to

and immediately expressed my readiness to contribute to his relief, & to serve him. It was a considerable time after, that, on application from a person who thought of him as I did, I contributed to his relief, and afterwards repeated the contribution. Himself I did not see till long after, nor ever more than two or three times. When he first began to write, he told some useful truths in his coarse way; but nobody sooner disapproved of his writing than I did, or wished more that he would be silent. My charities to him were no more meant as encouragements to his scurrilities, than those I give to the beggar at my door are meant as rewards for the vices of his life, & to make them chargeable to myself. In truth, they would have been greater to him, had he never written a word after the work for which he fled from Britain. ' With respect to the calumnies and falsehoods which writers and printers at large published against Mr. Adams, I was as far from stooping to any concern or approbation of them, as Mr. Adams was respecting those of Porcupine, Fenno, or Russell, who published volumes against me for every sentence vended by their opponents against Mr. Adams. But I never supposed Mr. Adams had any participation in the atrocities of these editors, or their writers. I knew myself incapable of that base warfare, & believed him to be so. On the contrary, whatever I may have thought of the acts of the administration of that day, I have ever borne testimony to Mr. Adams' personal worth; nor was it ever impeached in my presence without a just vindication of it on my part. I never supposed that any person who knew either of us, could believe that either of us meddled in that dirty work. But another fact is, that I 'liberated a wretch who was suffering for a libel against Mr. Adams.' I do not know who was the particular wretch alluded to; but I discharged every person under punishment or prosecution under the sedition law, because I considered, & now consider, that law to be a nullity, as absolute and as palpable as if Congress had ordered us to fall down and worship a golden image; and that it was as much my duty to arrest its execution in every stage, as it would have been to have rescued from the fiery furnace those who should have been cast into it for refusing to worship their image. It was accordingly done in every instance, without asking what the offenders had done, or against whom they had offended, but whether the pains they were suffering were inflicted under the pretended sedition law. It was certainly possible that my motives for contributing to the relief of Callender, and liberating sufferers under the sedition law, might have been to protect, encourage, and reward slander; but they may also have been those which inspire ordinary charities to objects of distress, meritorious or not, or the obligations of an oath to

the Perdido, is a *sine qua non*, and no price to be given for it. 2. No absolute & perpetual relinquishment of right is to made of the country East of the Rio Bravo del Norte even in exchange for Florida. [I am not quite sure that this was the opinion of all.] It would be better to lengthen the term of years to any definite degree than to cede in perpetuity. 3. That a country may be

protect the Constitution, violated by an unauthorized act of Congress. Which of these were my motives, must be decided by a regard to the general tenor of my life. On this I am not afraid to appeal to the nation at large, to posterity, and still less to that Being who sees himself our motives, who will judge us from his own knolege of them, and not on the testimony of Porcupine or Fenno.

"You observe, there has been one other act of my administration personally unkind, and suppose it will readily suggest itself to me. I declare on my honor, Madam, I have not the least conception what act is alluded to. I never did a single one with an unkind intention. My sole object in this letter being to place before your attention, that the acts imputed to me are either such as are falsely imputed, or as might flow from good as well as bad motives, I shall make no other addition, than the assurance of my continued wishes for the health and happiness of yourself and Mr. Adams."

Once again Mrs. Adams answered, and to this Jefferson replied:

"MONTICELLO, Sep 11, '04.

"Your letter, Madam, of the 18th of Aug has been some days received, but a press of business has prevented the acknolegment of it: perhaps, indeed, I may have already trespassed too far on your attention. With those who wish to think amiss of me, I have learned to be perfectly indifferent; but where I know a mind to be ingenuous, & to need only truth to set it to rights, I cannot be as passive. The act of personal unkindness alluded to in your former letter, is said in your last to have been the removal of your eldest son from some office to which the judges had appointed him. I conclude then he must have been a commissioner of bankruptcy. But I declare to you, on my honor, that this is the first knolege I have ever had that he was so. It may be thought, perhaps, that I ought to have inquired who were such, before I appointed others. But it is to be observed, that the former law permitted the judges to name commissioners occasionally only, for every case as it arose, & not to make them permanent officers. Nobody, therefore, being in office, there could be no removal. The judges, you well know, have been considered as highly federal; and it was noted that they confined their nominations exclusively to federalists. The Legislature, dissatisfied with this, transferred the nomination to the President, and made the officers permanent. The very object in passing the law was, that he should correct, not confirm, what was deemed the partiality of the judges. I thought it therefore proper to inquire, not whom they had employed, but whom

laid off within which no further settlement shall be made by either party for a given time, say thirty years. This country to be from the North river eastwardly towards the Rio Colorado, or even to, but not beyond the Mexican or Sabine river. To whatever river it be extended, it might from it's source run N. W., as the most eligible direction ; but a due north line would produce no re-

I ought to appoint to fulfil the intentions of the law. In making these appointments, I put in a proportion of federalists, equal, I believe, to the proportion they bear in numbers through the Union generally. Had I known that your son had acted, it would have been a real pleasure to me to have preferred him to some who were named in Boston, in what was deemed the same line of politics. To this I should have been led by my knolege of his integrity, as well as my sincere dispositions towards yourself & Mr. Adams.

You seem to think it devolved on the judges to decide on the validity of the sedition law. But nothing in the Constitution has given them a right to decide for the Executive, more than to the Executive to decide for them. Both magistracies are equally independent in the sphere of action assigned to them. The judges, believing the law constitutional, had a right to pass a sentence of fine and imprisonment ; because that power was placed in their hands by the Constitution. But the Executive, believing the law to be unconstitutional, was bound to remit the execution of it ; because that power has been confided to him by the Constitution. That instrument meant that its co-ordinate branches should be checks on each other. But the opinion which gives to the judges the right to decide what laws are constitutional, and what not, not only for themselves in their own sphere of action, but for the Legislature & Executive also, in their spheres, would make the judiciary a despotic branch. Nor does the opinion of the unconstitutionality, & consequent nullity of that law, remove all restraint from the overwhelming torrent of slander, which is confounding all vice and virtue, all truth & falsehood, in the U. S. The power to do that is fully possessed by the several State Legislatures. It was reserved to them, & was denied to the General Government, by the Constitution, according to our construction of it. While we deny that Congress have a right to control the freedom of the press, we have ever asserted the right of the States, and their exclusive right, to do so. They have accordingly, all of them, made provisions for punishing slander, which those who have time and inclination, resort to for the vindication of their characters. In general, the State laws appear to have made the presses responsible for slander as far as is consistent with its useful freedom. In those States where they do not admit even the truth of allegations to protect the printer, they have gone too far.

"The candor manifested in your letter, & which I ever believed you to possess, has alone inspired the desire of calling your attention, once more, to those circumstances of fact and motive by which I claim to be judged. I hope you will see these intrusions on your time to be, what they really are, proofs of my great

straint that we should feel in 20 years. This relinquishment, & 2 millions of Dollars, to be the price of all the Floridas East of the Perdido, or to be apportioned to whatever part they will cede.

But on entering into conferences, both parties should agree that, during their continuance, neither should strengthen their situation between the Iberville, Missipi & Perdido, nor interrupt the navigation of the rivers therein. If they will not give such an order instantly, they should be told that we have for peace sake only, forborne till they could have time to give such an order, but that as soon as we receive notice of their refusal to give the order we shall enter into the exercise of our right of navigating the Mobile, & protect it, and increase our force there *pari passu* with them.[1]

respect for you. I tolerate with the utmost latitude the right of others to differ from me in opinion without imputing to them criminality. I know too well the weakness & uncertainty of human reason to wonder at it's different results. Both of our political parties, at least the honest portion of them, agree conscientiously in the same object—the public good; but they differ essentially in what they deem the means of promoting that good. One side believes it best done by one composition of the governing powers; the other, by a different one. One fears most the ignorance of the people; the other, the selfishness of rulers independent of them. Which is right, time and experience will prove. We think that one side of this experiment has been long enough tried, and proved not to promote the good of the many; & that the other has not been fairly and sufficiently tried. Our opponents think the reverse. With whichever opinion the body of the nation concurs, that must prevail. My anxieties on the subject will never carry me beyond the use of fair & honorable means, of truth and reason; nor have they ever lessened my esteem for moral worth, nor alienated my affections from a single friend, who did not first withdraw himself. Whenever this has happened, I confess I have not been insensible to it; yet have ever kept myself open to a return of their justice. I conclude with sincere prayers for your health & happiness, that yourself & Mr. Adams may long enjoy the tranquillity you desire and merit, and see in the prosperity of your family what is the consummation of the last and warmest of human wishes."

[1] On the following day Jefferson wrote to Madison:

"In conversation with Mr. Gallatin yesterday as to what might be deemed the result of our Tuesday's conferences, he seemed to have understood the former opinion as not changed, to wit, that for the Floridas East of the Perdido might be given not only the 2. millions of dollars and a margin to remain unsettled, but an absolute relinquishment from the North river to the Bay of St. Bernard and Colorado river. This however I think should be the last part of the price yielded, and only for an entire cession of the Floridas, not for a part only."

TO THE SECRETARY OF STATE. MIS. MSS.
(JAMES MADISON.)

July 14. 04.

The inclosed reclamations of Girod & Chote against the claims of Bapstropp to a monopoly of the Indian commerce supposed to be under the prqtection of the 3d article of the Louisiana Convention, as well as some other claims to abusive grants, will probably force us to meet that question. The article has been worded with remarkable caution on the part of our negociators. It is that the inhabitants shall be admitted as soon as possible, according to the principles of our Constn., to the enjoyment of all the rights of citizens, and, *in the mean time, en* attendant, shall be maintained in their liberty, property & religion. That is that they shall continue under the protection of the treaty, until the principles of our constitution can be extended to them, when the protection of the treaty is to cease, and that of our own principles to take it's place. But as this could not be done at once, it has been provided to be as soon as our rules will admit. Accordingly Congress has begun by extending about 20. particular laws by their titles, to Louisiana. Among these is the act concerning intercourse with the Indians, which establishes a system of commerce with them admitting no monopoly. That class of rights therefore are now taken from under the treaty & placed under the principles of our laws. I imagine it will be necessary to express an opinion to Govr Claiborne on this subject, after you shall have made up one. Affect^te salutations.

TO THE SECRETARY OF STATE. J. MSS.
(JAMES MADISON.)

MONTICELLO Aug: 7. 04

DEAR SIR,—Yours of the 4th came to hand last night & I now return you the letters of Livingston, Bourne, Lee, Lynch, Villandry & Mr. King. Stewart's is retained for communication with the P. M. Genl. I send also for your perusal a letter of a Mr. Farquhar of Malta. Mr. Livingston's letters (two short ones excepted) being all press copies & very bad ones, I can make

nothing distinct of them. When manuscript copies are received I shall be glad to read them. The conduct of the commissioners at Paris merits examination. But what Mr. Livingston means by delays on our part in the execution of the Convention is perfectly incomprehensible. I do not know that a single day was unnecessarily lost on our part. In order however to lessen the causes of appeal to the Convention, I sincerely wish that Congress at the next session may give to the Orleans territory a legislature to be chosen by the people, as this will be advancing them quite as fast as the rules of our government will admit; and the evils which may arise from the irregularities which such a legislature may run into, will not be so serious as leaving them the pretext of calling in a foreign umpire between them & us. The answer to Mr. Villandry should certainly be what you mention, that the objects of his application are only within the competence of Congress, to whom they must apply by petition, if they chuse it. Perhaps it would be but kind & candid to add that as there has been no example of such measures taken by Congress as they ask, they should consider whether it would not be wise in them to act for themselves as they would do were no such measures expected. I expect daily to receive answers from the principal officers for the Orleans government. These received, I will proceed to make out the whole arrangement, and inclose it to you, asking your counsel on it without delay. It will not be practicable to submit it to the other members, but I have so often conversed with them on the subject as to possess their sentiments. As we count on the favor of a family visit could you accommodate that in point of time so as that we might be together at making out the final list? Affectionate salutations & assurances of friendship.

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

MONTICELLO, Aug 15, 04.

DEAR SIR,—Your letter dated the 7th should probably have been of the 14th, as I received it only by that day's post. I return you Monroe's letter, which is of an awful complexion; and

I do not wonder the communication it contains made some impression on him. To a person placed in Europe, surrounded by the immense resources of the nations there, and the greater wickedness of their courts, even the limits which nature imposes on their enterprises are scarcely sensible. It is impossible that France and England should combine for any purpose; their mutual distrust and deadly hatred of each other admit no cooperation. It is impossible that England should be willing to see France re-possess Louisiana, or get footing on our continent, and that France should willingly see the U S re-annexed to the British dominions. That the Bourbons should be replaced on their throne and agree to any terms of restitution, is possible; but that they and England joined, could recover us to British dominion, is impossible. If these things are not so, then human reason is of no aid in conjecturing the conduct of nations. Still, however, it is our unquestionable interest & duty to conduct ourselves with such sincere friendship & impartiality towards both nations, as that each may see unequivocally, what is unquestionably true, that we may be very possibly driven into her scale by unjust conduct in the other. I am so much impressed with the expediency of putting a termination to the right of France to patronize the rights of Louisiana, which will cease with their complete adoption as citizens of the U S, that I hope to see that take place on the meeting of Congress. I enclosed you a paragraph from a newspaper respecting Saint Domingo, which gives me uneasiness. Still I conceive the British insults in our harbor as more threatening. We cannot be respected by France as a neutral nation, nor by the world ourselves as an independent one, if we do not take effectual measures to support, at every risk, our authority in our own harbors. I shall write to Mr. Wagner directly (that a post may not be lost by passing thro you) to send us blank commissions for Orleans & Louisiana, ready sealed, to be filled up, signed and forwarded by us. Affectionate salutations & constant esteem.

TO JOHN PAGE. J. MSS.

MONTICELLO, Aug. 16, 04.

DEAR SIR,—I inclose for your perusal a letter from Dr. Rush, asking the favor of you to return it. On the question whether the yellow fever is infectious, or endemic, the medical faculty is divided into parties, and it certainly is not the office of the public functionaries to denounce either party as the Doctr. proposes. Yet, so far as they are called on to act, they must form for themselves an opinion to act on. In the early history of the disease, I did suppose it to be infectious. Not reading any of the party papers on either side, I continued in this supposition until the fever at Alexandria brought facts under my own eye, as it were, proving it could not be communicated but *in a local atmosphere*, pretty exactly circumscribed. With the composition of this atmosphere we are unacquainted. We know only that it is generated *near the water side, in close built cities, under warm climates.* According to the rules of philosophizing when one sufficient cause for an effect is known, it is not within the economy of nature to employ two. If local atmosphere suffices to produce the fever, miasmata from a human subject are not necessary and probably do not enter into the cause. Still it is not within my province to decide the question ; but as it may be within yours to require the performance of quarantine or not, I execute a private duty in submitting Doctr. Rush's letter to your consideration. But on this subject ' nil mihi rescribas, et tamen ipsi veni.' Accept for yourself & Mrs. Page affectionate & respectful salutations.

TO THE SECRETARY OF THE TREASURY. J. MSS.
(ALBERT GALLATIN.)

MONTICELLO, Aug. 23, 04.

DEAR SIR,—Your's of the 16th was received on the 21st. Dickerson's delay of proceeding to N. Orleans will give us time. If Pinckney accepts the office of judge, Robert Williams might be the attorney; if Pinckney does not accept, or does not arrive in time (and a few days only must now decide the latter point) Williams must be the judge. Hill accepts as district judge. With respect to Neufville I am not satisfied with Freneau's recommendation & especially as he sais nothing of his Politics. His situation would naturally bias a man of feeling to speak favorably of him. I have therefore written to Mr. Wagner for a blank commission which I will inclose blank to Freneau, desiring him to fill it up for Doyley if he will accept of it; if not, then with whatever name he thinks best, having regard to moral & political character & standing in society. I have no fear to trust to his fidelity & secrecy. I shall immediately direct a commission for Mr. Travis: & shall forward to Mr. Nicholas the new recommendations for Hampton for his advice. Accept affectionate salutations.

TO THE SECRETARY OF THE NAVY. J. MSS.
(ROBERT SMITH.)

MONTICELLO, Aug. 28, 04.

DEAR SIR,—I inclose you a letter and other papers which I received from Capt. Truxtun by the last post. The malice and falsehood so habitual in Federal zealots had prepared me against surprise at the insinuations of this officer against you & myself. But what was his view in inclosing the letter to me? Was it to give greater point to his disrespect? Or did he imagine I should make him overtures to prevent his publication? I would rather he would publish than not; for while his writings will let the public see what he is, & what are the motives of his discontent, a few sentences of plain fact will set everything in them to rights as to our conduct. Be so good as to return me the *written* letter.

The following paragraph which comes to me from a friend in Philadelphia I quote for your notice.

"It is said here that George Harrison *has applied* for the place in the navy that Genl. Irvine had. He has got too much already for any Federalist who has rendered his country no personal service in the field. This man is married to Thos. Willing's niece. Willing is Presidt. of the Bank of the U. S. You may also observe he was chairman at a meeting when they agreed to hoist the black cockade on the left arm in honor of Hamilton. They also resolved and expected the clergymen would preach in his favor."

The writer is a most solid Republican, and who generally expresses the feelings of the republicans in Philadelphia pretty faithfully. I know not what functions Irvine executed for the navy; but if any, the above sentiments are worthy of attention, as the emploiment of Harrison has given them heart burnings. I know nothing of him, whether moderate or violent; but until the party learn a little more moderation & decency, no new favors should be conferred on them. Pennsylvania seems to have in it's bowels a good deal of volcanic matter, & some explosion may be expected. We must be neutral between the discordant republicans but not between them & their common enemies. I salute you with sincere affection & respect.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

MONTICELLO, September 1, 1804.

DEAR SIR,—After waiting to the twelfth hour to get all the information I could respecting the government of Orleans, I have on consultation with Mr. Madison, sent on the commissions by the mail which left Charlottesville yesterday morning for the westward. It is very much what had been approved by the heads of Departments separately and provisionally, with a few alterations shown to be proper by subsequent information. It is as follows:

Governor, Claiborne.
Secretary, James Brown.
Judges of Superior Court, Kirby, Prevost, and Pinkney or Williams.
Judge of District, Hall.
Attorney, Dickerson.

Marshal, Urquhart, or Clouast, or Guillot, or any native Frenchman Claiborne prefers.

Legislative Council, Morgan, Watkins, Clarke, Jones, Roman, and Wikoff certain. Don or George Pollock, as Claiborne chooses. Boré, Poydras, and Bellechasse certain, and any three which Claiborne may choose of these five, to wit: Derbigue, Detrehan, Dubruys, Cantarelle, Sauvé.

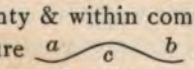
It will be necessary for us to consider of a gradation of peaceable measures which may coerce the belligerent powers into an obedience to the laws within our waters, so as to avoid using the gunboats if possible: a non-intercourse law may be necessary; but would not the power to forbid the admitting to entry any vessel of a belligerent so long as there should be an armed vessel of the nation in our waters in a state of disobedience to the laws or lawful orders of the Executive, be effectual? Making it lawful for us at the same time to give admittance to the armed vessels of a belligerent on such terms only as we should prescribe. These things should be considered and agreed on among ourselves, and suggested to our friends. I salute you with affection and respect.

P. S. I shall be in Washington by the last day of the month.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

MONTICELLO, Sep. 8, 04.

DEAR SIR,— As we shall have to lay before Congress the proceedings of the British vessels at N York, it will be necessary for us to say to them with certainty which specific aggressions were committed within the common law, which within the admiralty jurisdiction, & which on the high seas. The rule of the common law is that wherever you can see from land to land, all the water within the line of sight is in the body of the adjacent county & within common law jurisdiction. Thus, if in this curvature  you can see from *a* to *b*, all the water within the line of sight is within common law jurisdiction, & a murder committed at *c* is to be tried as at common law. Our coast is generally visible, I believe, by the time you get within about 25 miles. I suppose that at N York you must be some miles out of the Hook

before the opposite shores recede 25. miles from each other. The 3. miles of maritime jurisdiction is always to be counted from this line of sight. It will be necessary we should be furnished with the most accurate chart to be had of the shores & waters in the neighborhood of the Hook; & that we may be able to ascertain on it the spot of every aggression. I presume it would be within the province of Mr. Gelston to procure us such a chart, & to ascertain the positions of the offending vessels. If I am right in this, will you be so good as to instruct him so to do?

I think the officers of the federal government are meddling too much with the public elections. Will it be best to admonish them privately or by proclamation? This for consideration till we meet. I shall be at Washington by the last day of the month. I salute you with affection & respect.

TO THE SPANISH MINISTER. J. MSS.

(MARQUÉS DE CASA-YRUJO.)

MONTICELLO, Sept. 15, 04.

SIR,—Your letter of the 7th inst. came to hand on the 14th only, by which it seems to have lost a post by the way. This therefore cannot be in Washington but on the evening of the 17th. No information has been received from Mr. Pinckney of the character which your letter supposes. The latest we have from him inclosed a letter to him from M. de Cevallos in a tone not as friendly as heretofore used by that Minister towards us, more suited, as we thought, to the close of an unsuccessful discussion, than the beginning of a friendly one, and not calculated to impress a nation whose intentions are just but firm and unyielding to any other motive than justice. What followed the reception of that letter is entirely unknown to us; & what we have seen in the public papers was so little like what would flow from anything done on our part, or expected from yours, that we have given no credit to it. The state of things between us seems indeed to require unreserved explanations, cool & calm discussion, to avoid those evils which neither party probably intends, yet unfounded jealousies & suspicions may beget. These discussions

should regularly be between yourself & the Secretary of State: But, a friend to the substance of business, & disregarding all forms which obstruct the way to it, I agree with readiness to the direct & personal interview you propose; and shall receive you here with pleasure at your earliest convenience, as I am to leave this place for Washington on the 26th or 27th instant. Being totally uninformed of what has past I must rely on you to bring any documents or other papers which may be necessary to present a full view of the subject of communication.

Mrs. Randolph will be happy in the opportunity of paying her respects to the Marchioness Yrujo at Monticello, & of contributing her attentions to render the time we may possess her here as agreeable as she can. She joins me in respects to the Marchioness & I add my friendly salutations to yourself & assurances of great consideration & respect.

TO THE ATTORNEY-GENERAL. J. MSS.

(LEVI LINCOLN.)

MONTICELLO, Sept. 16, 1804.

DEAR SIR,—It will be necessary to lay before Congress the aggressions of the British vessels before the harbor of New York. For this purpose it will be necessary in the first place to examine all the cases, and to class them according to the principle of the aggression, and secondly to prepare a succinct statement of them, for I believe that would be more proper than to furnish them the documents. They are not called on to legislate on each case, for then they should inquire into it specifically, but are told by the Executive that such things have happened, in order that they may pass laws to prevent such in future. As the American citizen of N. Y. has kept a steady eye on them and stated the cases I have cut them out of the paper, and now inclose them to you; as they will give you more time to consider the cases, and an opportunity perhaps of consulting your own library on questionable points. Authentic documents & fuller information on every case will be ready for you at Washington, for which place I set out the 27th inst. The Spanish minister here seems to have found means of

exciting his court considerably on the act for establishing a port of entry on the Mobile; and something serious has passed between Pinckney and them of which we are not informed. I take for granted that such circumstances as these will be easily allayed by good humor and reason, between reasonable men. The new administration in England is entirely cordial. There has never been a time when our flag was so little molested by them in the European seas, or irregularities there so readily & respectfully corrected. As the officers here began their insults before the change, it is a proof it did not proceed from that change. We must expect however unequivocal measures from them to prevent such things in future, while Congress should enable us to arrest them by our own means, and not expose us to pass such another year of insulted jurisdiction. Accept my affectionate salutations & assurances of great esteem & respect.

TO DE WITT CLINTON. [illegible]

WASHINGTON, Dec. [illegible], 1804.

DEAR SIR,—Your favor of Sep. [illegible] was received on my return to this place. Certainly the distribution of so atrocious a libel as the pamphlet Aristides, and still more the affirming its contents to be true as holy writ, presents a shade in the morality of Mr. Swartwout, of which his character had not before been understood to be susceptible. Such a rejection of all regard to truth would have been sufficient cause against receiving him into the corps of executive officers at first; but whether it is expedient after a person is appointed to be as nice on a question of removal requires great consideration. I proposed soon after coming into office to enjoin the executive officers from intermeddling with elections as inconsistent with the true principles of our Constitu-

tion. It was laid over for consideration: but late occurrences prove the propriety of it, and it is now under consideration. In the absence of the Secretary of State I desired his chief clerk to inclose you an extract of a letter respecting Genl. Moreau. That as private individuals we should receive him with cordiality is just. But any public display would be injurious to him, and to our harmony with his former government. I salute you with friendship & respect.

FOURTH ANNUAL MESSAGE.[1]

November 8, 1804.

To the Senate and House of Representatives of the United States :—

To a people, fellow citizens, who sincerely desire the happiness and prosperity of other nations; to those who justly calculate that their own well-being is advanced by that of the nations with which they have intercourse, it will be a satisfaction to observe that the war which was lighted up in Europe a little before our last meeting has not yet extended its flames to other nations, nor been marked by the calamities which sometimes stain the footsteps of war. The irregularities too on the ocean, which generally harass the commerce of neutral nations, have, in distinct parts, disturbed ours less than on former occasions. But in the American seas they have been greater from peculiar causes; and even within our harbors and jurisdiction, infringements on the authority of the laws have been committed which have called for serious attention. The friendly conduct of the governments

[1] Relative to this message Gallatin wrote to Jefferson on Oct. 29, 1804:

"DEAR SIR,—I return your message with such remarks as occurred. It was not received till Saturday, which must be my apology for not returning it sooner.

"The Register being absent, I have been obliged to go myself through all the minutiæ of calculations, instead of only marking the outlines and revising the work. The complete materials for your financial paragraph will not for that

from whose officers and subjects these acts have proceeded, in other respects and in places more under their observation and control, gives us confidence that our representations on this subject will have been properly regarded.

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reason be completed till tomorrow. In the meanwhile the following sketch is correct, except for the amount of principal public debt redeemed, which is not yet ascertained.

Balance in Treasury, 30th Septr, 1803		5,860,981.54
Receipts during the year vizt impost.	10,729,708.54	
Lands, repayments, arrears taxes & excise &c.....	844,502.50	11,574,211.04
		17,435,192.58
Expended during the year vizt		
Current expenses civil & military, foreign & domestic.....	3,727,081.31	
Instalment to Great Britain.....	888,000	
Payments for intr. & principal pub. debt (a).....	7,937,886.16	12,552,967.47
Balance in Treasury 30th Septr 1804.		4,882,225.11
		17,435,192.58

(a) of which payments, about 3,600,000 for principal"

Gallatin's "remarks" on the message were as follows:

"*Irregularities in American seas & in our harbours.* As it is wished that Congress would make provision on two points immediately connected with the captures near S. Domingo, and with the aggressions at New York, by restraining the arming of our vessels and by enabling the Executive to enforce the jurisdiction of the U. States in our ports against foreign vessels; and as the expression of that wish would evince the disposition of the Executive equally to restrain the irregularities of our own people and to repel the insulting aggressions of the belligerent powers on our coast; would there be any objection to introduce at the end of this paragraph a recommendation to that effect?

"*Spanish objections to the ratification of the Convention.*

"1. The public mind is altogether unprepared for a declaration that the terms & object of the Mobile act had been misunderstood by Spain; for every writer, without a single exception, who has written on the subject, seems to have understood the act as Spain did: it has been justified by our friends on that ground; and the declaration in the message, without some short explanation, may be distorted into an avowal of some humiliating concession to Spain by the Executive. Might not, to obviate this, some words be introduced where speaking of the misconceptions of Spain, which would state that Spain had erroneously supposed, that it was intended to organize a custom house, within

While noticing the irregularities committed on the ocean by others, those on our own part should not be omitted nor left unprovided for. Complaints have been received that persons residing within the United States have taken on themselves to arm

territories still in her possession, and claimed by her, before possession had been obtained by ourselves?

"2. This may lead to say something of the yet unascertained boundaries of Louisiana, a subject of sufficient importance to excite animadversion if it was altogether omitted in the message, especially as the ensuing paragraph announces, in an unqualified manner, the acquiescence of Spain in the validity of our title to Louisiana. Perhaps the ensuing paragraph might be transposed so as to precede that entitled 'Spanish differences' qualifying it by adding, that Spain however does not yet acknowledge our title to the full extent of our rightful claim: and then the subject of the misconception of the Mobile act would follow of course, & the intention of the Executive, not to abandon the claim in any degree but to abstain from exercising jurisdiction or taking forcible possession till all other means were exhausted, be fully understood.

"3. The total omission of the other impediment to the ratification of the convention vizt. what relates to the 6th article appears perfectly proper as it relates to Spain itself, inasmuch as it avoids commitment on our part and leaves them free, without wounding their pride, to receive & ratify whilst they may understand the Tunis paragraph as perfectly applicable to themselves. But that omission, as it relates to Congress, may be animadverted, as a concealment from that body of an important part of the whole ground. Perhaps, without expressly mentioning the whole article some general expressions might be introduced, at the same time alluding to other objections of Spain, and stating the expectation that the explanation on the Mobile act would also remove them.

"*Delivery of stock.* The words 'discharge of our obligations' seem too strong & general, as they might be construed to imply a discharge of our obligation to pay. The obligation from which we are discharged is that of delivering the stock within three months after the ratification of the Convention as had been provided by that instrument, a provision which embarrassed us at the time on account of the proposed 'bien entendu' which Pichon wanted to insert in the exchange of ratification & on account of the delays in taking possession of New Orleans which delayed the delivery of the stock till the last week of the three months. The *legal* delivery of the stock consisted in delivering it to Lieut. Leonard, whose receipt together with a letter from Mr. Pichon acknowledging that act to be a full execution of the Convention, are filed in the Register's office as the evidence of the delivery; and that letter of Pichon is the only *discharge which we have received*, at the Treasury, *from the government of France*. Mr. Livingston, says, however, that he has sent to the Department of State receipts for the delivery of the stock in France: these I have not seen,

merchant vessels, and to force a commerce into certain ports and countries in defiance of the laws of those countries. That individuals should undertake to wage private war, independently of the authority of their country, cannot be permitted in a well-

and as we consider the transaction, so far as there was any obligation on our part, closed by the delivery here, I have never applied for them : indeed I believe that they are merely personal & so far as they come from the French government, must be a receipt not for the stock, but for the bills of Hope & Baring which had been deposited with him & which he delivered to the French government. The whole transaction is so complex that I think the best way will be generally to say that the stock was *timely* delivered in conformity to the provisions of the Convention, without giving copies of the documents which are numerous, lengthy and uninteresting. Add to this that it is not convenient, unless necessary, to bring into view the contract of Baring & Hope with the French govt., for the Louisiana stock, as they gave but 16/ in the pound for it : which may excite animadversions on the state of our credit & on the conduct of the negotiators of the treaty.

"*Barbary powers.* Quere. Whether the late accounts from the Mediterranean fully justify the expectations arising from the energy of all the officers?

"*Upper Louisiana.* I do not understand what is meant by the appointment of commandants in the forms of the Constitution. The expressions in the 12th sect. of the act of 26th March 1804, are "except the commanding officer, *who shall be appointed by the President.*" The same words precisely are used in the 2d & 3d sect, of the act 'to provide for the erecting and repairing of arsenals and magazines and for other purposes' past April 2d, 1794, in relation to the appointment of superintendant & master armorer of the armories, and of superintendant of military stores : and in these cases the power to appoint has uniformly been considered & exercised as vested in the President alone. From which I infer that the authority to appoint commandants in Upper Louisiana is also vested in the President alone. But if it was not, it is perhaps as well not to allude to the principle, because there have been some instances of newly created offices which the President has, from the necessity of the case, filled during the recess of the Senate, though no special authority had been given to that effect. I remember the first collectors of Bristol (R. I.) & Michillimakinac being appointed in that way in 1801.

"*Gunboats.* The object of these vessels, as a substitute to fortification agt. naval enterprise, and for supporting the authority of the laws within harbours, is correctly defined. Nor, provided that the expenditure shall be kept within due bonds, is there any plausible objection except that, after providing such as are wanted for the last mentioned purpose, those which are wanted for the first, may in the case of war be so speedily built, that it is not necessary to provide for them beforehand ; as the expense of keeping them in repair & of the men to watch them will cost more in two years than the mere building expense. This, however, may be provided for hereafter ; and I would only wish

ordered society. Its tendency to produce aggression on the laws and rights of other nations, and to endanger the peace of our own is so obvious, that I doubt not you will adopt measures for restraining it effectually in future.

to have a *true* estimate of the expense of building & keeping either in actual service or ordinary, and to know the number intended to be built & to be kept in service. But so far as relates to the message, I much fear that the efforts made in federal papers to impress the idea that this establisht. is intended as a substitute to the navy have so far succeeded that some distortion of the President's recommendation will take place.

"*Repairs to our frigates.* This must certainly be done; but it seems questionable whether it should make part of the message. It is true that it ought to be considered as an evidence of the attention paid by the President to the navy; but so much has been said on the subject of the ships rotting in the eastern branch, as if the waters of that creek had a peculiarly corrosive quality, that not only the federalists but also the inhabts. of other seaports will eagerly seize the opportunity to disseminate the opinion that their predictions are fulfilled. If the message shall be silent on that head, nothing more will be necessary than for the Secy. of the Navy to include the item for that object in the annual estimates; and it will probably be voted without any observations. Should it, however, provoke an inquiry, the Secy. of the Navy may then make a special report which may be framed so as to meet or anticipate objections and cavils.

"*Acceptance of volunteers.* Is this really wanted? And may it not always be timely provided for by Congress whenever an emergency shall require it? The application for a general provision is liable to objections of an intrinsic nature, and will be artfully compounded with the system of volunteer corps under Mr. Adams' administration in 1798."

"Additional remarks."

"It does not seem that the French aggressions in N. York, if they exist, should be embraced in the same sentence with the British. Even if the reports be true, their conduct has been *generally* unexceptionable there; and a single departure cannot be compared with the unremitted insults & blockade by the British.

"*With the nations of Europe in general our friendship is undisturbed.* Does not this embrace Spain & is it not therefore too general?

"*From the other powers on the same coast* (*Barbary*) *we have every mark of the continuance of their friendship &c.* Do not the last accounts from Morocco contradict this report?

"*Territory of Orleans.* Is it not to be apprehended that the persons appointed members of the council, or a majority, will refuse to serve?

"*Indians of Louisiana.* Said to be friendly so far as we have yet learned. Have not some murders been committed at St. Louis?"

Endorsed "(Received Oct. 29, 04)"

Soon after the passage of the act of the last session, authorizing the establishment of a district and port of entry on the waters of the Mobile, we learnt that its object was misunderstood on the part of Spain. Candid explanations were immediately given, and assurances that, reserving our claims in that quarter as a subject of discussion and arrangement with Spain, no act was meditated, in the meantime, inconsistent with the peace and friendship existing between the two nations, and that conformably to these intentions would be the execution of the law. The government had, however, thought proper to suspend the ratification of the convention of 1802. But the explanations which would reach them soon after, and still more, the confirmation of them by the tenor of the instrument establishing the port and district, may reasonably be expected to replace them in the dispositions and views of the whole subject which originally dictated the convention.

I have the satisfaction to inform you that the objections which had been urged by that government against the validity of our title to the country of Louisiana have been withdrawn, its exact limits, however, remaining still to be settled between us. And to this is to be added that, having prepared and delivered the stock created in execution of the convention of Paris, of April 30, 1803, in consideration of the cession of that country, we have received from the government of France an acknowledgment, in due form, of the fulfilment of that stipulation.

With the nations of Europe in general our friendship and intercourse are undisturbed, and from the governments of the belligerent powers especially we continue to receive those friendly manifestations which are justly due to an honest neutrality, and to such good offices consistent with that as we have opportunities of rendering.

The activity and success of the small force employed in the Mediterranean in the early part of the present year, the reinforcement sent into that sea, and the energy of the officers having command in the several vessels, will, I trust, by the sufferings of war, reduce the barbarians of Tripoli to the desire of peace on proper terms. Great injury, however, ensues to ourselves as well as to others interested, from the distance to which prizes must be

brought for adjudication, and from the impracticability of bringing hither such as are not seaworthy.

The bey of Tunis having made requisitions unauthorized by our treaty, their rejection has produced from him some expressions of discontent. But to those who expect us to calculate whether a compliance with unjust demands will not cost us less than a war, we must leave as a question of calculation for them, also, whether to retire from unjust demands will not cost them less than a war. We can do to each other very sensible injuries by war, but the mutual advantages of peace make that the best interest of both.

Peace and intercourse with the other powers on the same coast continue on the footing on which they are established by treaty.

In pursuance of the act providing for the temporary government of Louisiana, the necessary officers for the territory of Orleans were appointed in due time, to commence the exercise of their functions on the first day of October. The distance, however, of some of them, and indispensable previous arrangements, may have retarded its commencement in some of its parts; the form of government thus provided having been considered but as temporary, and open to such improvements as further information of the circumstances of our brethren there might suggest, it will of course be subject to your consideration.

In the district of Louisiana, it has been thought best to adopt the division into subordinate districts, which had been established under its former government. These being five in number, a commanding officer has been appointed to each, according to the provision of the law, and so soon as they can be at their station, that district will also be in its due state of organization; in the meantime their places are supplied by the officers before commanding there. The functions of the governor and judges of Indiana have commenced; the government, we presume, is proceeding in its new form. The lead mines in that district offer so rich a supply of that metal, as to merit attention. The report now communicated will inform you of their state, and of the necessity of immediate inquiry into their occupation and titles.

With the Indian tribes established within our newly-acquired limits, I have deemed it necessary to open conferences for the

purpose of establishing a good understanding and neighborly relations between us. So far as we have yet learned, we have reason to believe that their dispositions are generally favorable and friendly; and with these dispositions on their part, we have in our own hands means which cannot fail us for preserving their peace and friendship. By pursuing a uniform course of justice toward them, by aiding them in all the improvements which may better their condition, and especially by establishing a commerce on terms which shall be advantageous to them and only not losing to us, and so regulated as that no incendiaries of our own or any other nation may be permitted to disturb the natural effects of our just and friendly offices, we may render ourselves so necessary to their comfort and prosperity, that the protection of our citizens from their disorderly members will become their interest and their voluntary care. Instead, therefore, of an augmentation of military force proportioned to our extension of frontier, I propose a moderate enlargement of the capital employed in that commerce, as a more effectual, economical, and humane instrument for preserving peace and good neighborhood with them.

On this side of the Mississippi an important relinquishment of native title has been received from the Delawares. That tribe, desiring to extinguish in their people the spirit of hunting, and to convert superfluous lands into the means of improving what they retain, have ceded to us all the country between the Wabash and the Ohio, south of, and including the road from the rapids towards Vincennes, for which they are to receive annuities in animals and implements for agriculture, and in other necessaries. This acquisition is important, not only for its extent and fertility, but as fronting three hundred miles on the Ohio, and near half that on the Wabash. The produce of the settled countries descending those rivers, will no longer pass in review of the Indian frontier but in a small portion, and with the cession heretofore made with the Kaskaskias, nearly consolidates our possessions north of the Ohio, in a very respectable breadth, from Lake Erie to the Mississippi. The Piankeshaws having some claim to the country ceded by the Delawares, it has been thought best to quiet that by fair purchase also. So soon as the treaties on this subject shall have

received their constitutional sanctions, they shall be laid before both houses.

The act of Congress of February 28th, 1803, for building and employing a number of gun-boats, is now in a course of execution to the extent there provided for. The obstacle to naval enterprise which vessels of this construction offer for our seaport towns; their utility toward supporting within our waters the authority of the laws; the promptness with which they will be manned by the seamen and militia of the place the moment they are wanting; the facility of their assembling from different parts of the coast to any point where they are required in greater force than ordinary; the economy of their maintenance and preservation from decay when not in actual service; and the competence of our finances to this defensive provision, without any new burden, are considerations which will have due weight with Congress in deciding on the expediency of adding to their number from year to year, as experience shall test their utility, until all our important harbors, by these and auxiliary means, shall be insured against insult and opposition to the laws.

No circumstance has arisen since your last session which calls for any augmentation of our regular military force. Should any improvement occur in the militia system, that will be always seasonable.

Accounts of the receipts and expenditures of the last year with estimates for the ensuing one, will as usual be laid before you.

The state of our finances continues to fulfil our expectations. Eleven millions and a half of dollars, received in the course of the year ending on the 30th of September last, have enabled us, after meeting all the ordinary expenses of the year, to pay upward of $3,600,000 of the public debt, exclusive of interest. This payment, with those of the two preceding years, has extinguished upward of twelve millions of the principal, and a greater sum of interest, within that period; and by a proportional diminution of interest, renders already sensible the effect of the growing sum yearly applicable to the discharge of the principal.

It is also ascertained that the revenue accrued during the last year, exceeds that of the preceding; and the probable receipts of the ensuing year may safely be relied on as sufficient, with the

sum already in the treasury, to meet all the current demands of the year, to discharge upward of three millions and a half of the engagements incurred under the British and French conventions, and to advance in the farther redemption of the funded debts as rapidly as had been contemplated. These, fellow citizens, are the principal matters which I have thought it necessary at this time to communicate for your consideration and attention. Some others will be laid before you in the course of the session, but in the discharge of the great duties confided to you by our country, you will take a broader view of the field of legislation. Whether the great interests of agriculture, manufactures, commerce, or navigation, can, within the pale of your constitutional powers, be aided in any of their relations; whether laws are provided in all cases where they are wanting; whether those provided are exactly what they should be; whether any abuses take place in their administration, or in that of the public revenues; whether the organization of the public agents or of the public force is perfect in all its parts; in fine, whether anything can be done to advance the general good, are questions within the limits of your functions which will necessarily occupy your attention. In these and other matters which you in your wisdom may propose for the good of our country, you may count with assurance on my hearty cooperation and faithful execution.

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

Nov. 18, 04.

I send you 2 sheets of my commonplace, because on the 5 last pages of them are my abridgments of certain admiralty cases interesting to us, with some observations; it will be well that we mutually understand how far we go together, & what consequently we may propose with joint satisfaction. I think the English practice of not requiring a prize to be hazarded further than to the nearest neutral port is so much for the interest of all weak nations that we ought to strengthen it by our example, & prevent that change of practice which Sr. W. Scott seems to be aiming at; evidently swayed by considerations of the interest of his nation.

TO JOHN RANDOLPH. J. MSS.

WASHINGTON, Nov. 19, '04.

DEAR SIR,—I mentioned to you in a cursory way the other evening that before the meeting of Congress I had conferred with my executive associates on the subject of insults in our harbors, and that we had settled in our own minds what we thought it would be best to do on that subject, which I had thrown into the form of a bill.[1] I meant to have communicated this

[1] The following is the bill alluded to:

"An act for the more effectual preservation of the peace in the harbors and waters of the U. S. & on board vessels.

Foreign armed vessels within the harbours committing breaches of law. C. line 4. after 'felony' insert 'infraction of revenue law or other Statute.' I had rather extend the provision to cases cognizable by the authority of individual States, but if this be objectionable the cases cognizable by the authority of the U. S. should be defined. Was the impressment in N. Y. harbour a case cognizable by the authority of the U. S.? And, why, supposing it was should outrages against the public peace & affecting the personal property of citizens, but exclusively punishable by State authority, remain unprovided against?

"Be it enacted &c. that whensoever any treason, felony, misprison, misdemean, or breach of the peace or of the revenue laws shall have been committed within the jurisdiction of the U. S. and in a case cognisable by the authority thereof and the person committing the same shall be on board of any foreign armed vessel in any harbour of the U. S. or in the waters within their jurisdiction, and the ordinary posse comitatus shall be deemed insufficient to enable the officer of the U. S. charged with the process of law, to serve the same, it shall be lawful for him to apply to any officer having command of militia, of regular troops or of armed vessels of the U. S. in the vicinity to aid him in the execution of the process with which he is so charged, which officer conforming himself in all things to the instructions he shall receive, or shall have received from the President of the U. S. or other person duly authorized by him, shall first demand a surrender of the person charged in the said process, and if delivery be not made, or if he be obstructed from making the demand, he shall use all the means in his power by force of arms to arrest and seize the said person, and all those who are with him giving him aid or countenance, and the same to convey and deliver under safe custody to the civil authority to be dealt with according to law, and if death ensues on either side it shall be

to you: but on the reference of that part of the message to a special committee it was thought necessary to communicate it without delay to a member of the committee. But the outlines are these. In the 1st place foreign armed vessels entering our harbors are to report themselves, to take such position, & con-

"See for similar powers Act 5. June 94. § 7.8. pa. 91–93 vol. 3. and act 28 Feb. 95. § 2.9. pa. 189–191 vol. 3.

"The objects of 94. June 5. are. 1. Takg. or issuing commissions in foreign service. 2. Enlisting in do. within U. S. 3. Arm ships to serve foreign power. 4. Set. on foot within U. S. expedn. agt. foreign power. 5. Capture of a vessel within waters of U. S. Resistance of process by armed vessel. In these cases the President may use force. The 6th case vaguely looks towards the objects of this 1st section."

Exclusion of foreign armed vessels from our harbours; and regulation of their conduct while in them.

"After 'they' insert 'are entitled to said privilege by virtue of any treaty or when they'

A. G."

justifiable or punishable as in cases of homicide in resisting a civil officer.

"And in order to prevent insults to the authority of the laws within the said harbours and waters, and thereby endangering our peace with foreign nations, be it further enacted that it shall be lawful for the President of the U. S. to interdict the entrance of the harbours & waters under the jurisdiction of the U. S. to all armed vessels belonging to any foreign nation and by force to repel & remove them from the same except where they shall be forced in by distress, by the dangers of the sea, or by pursuit of any enemy, or where they shall be charged with dispatches or business from the government to which they belong to that of the U. S., in which cases as also in all others where they shall be voluntarily

form to such regulations respecting health, repairs, supplies, stay, intercourse & departure as shall be prescribed. On not conforming to these, the vessel may be ordered away. And not obeying that order, the following gradation of coercive measures is proposed. To forbid supplies to be furnished to them, to cut off

" Dele ' customs at the place ' and insert ' district.'

A. G.

Qu. are not armed vessels of some nations exempted from making report and entry by virtue of treaties ? "

" Foreign armed vessels refusing to depart."

permitted to enter, the officer commanding such vessel shall immediately report his vessel to the Collector of the district stating the causes & object of his entering the harbour or waters, shall take such position in the harbour or waters as shall be assigned to him by such Collector & shall conform himself, his vessel & people to such regulations respecting health, repairs, supplies, stay, intercourse & departure as shall be signified to him by the said Collector, under the authority and instructions of the President of the U. S. and not conforming thereto shall be compelled to depart the U. S.

" And be it further enacted that whensoever any armed vessel of a foreign nation, entering the waters within the jurisdiction of the U. S. and required to depart therefrom, shall fail so to do, it shall be lawful for the President of the U. S. in order to avoid unnecessary recurrence to force, to forbid all intercourse with such vessel and with every armed vessel of the same nation & the people thereto belonging ; to prohibit all supplies and aids from being furnished them and also to instruct the Collector of the district where such armed vessel shall be & of any or every other district of the U. S. to refuse permission to any vessel belonging to the same nation or its people to make entry or unlade so long as the said armed vessel shall, in defiance of the public authority remain within the harbours or waters of the U. S. and all persons offending herein shall be deemed guilty of a misdemeanor punishable by fine & imprisonment and shall moreover be liable to be bound to the good behavior according to law.

" Oct. 1804."

The marginal notes not in quotation marks are by Gallatin.

all intercourse between them & the shore or other vessels, not to receive the entry at the custom house at that port of any vessel of the same nation till she removes. To extend the prohibition to all custom-houses of the U. S. so long as the refractory vessel remain: & lastly to recur to force. These were our ideas suggested from practice and a knolege of facts: and the communication of them in form of a bill is merely as a canvass or premiere ebauche for Congress to work on, & to make of it whatever they please. They cannot be the worse for knowing the result of our information & reflection on the subject, which has been privately communicated as more respectful than to have recommended these measures in the message in detail as the Constitution permits. With the same view I state them merely as subjects for your consideration. Accept affectionate salutations & assurances of respect.

TO LARKIN SMITH. J. MSS.

WASHINGTON, Nov. 26, 04.

SIR,—Your letter of the 10th came to hand yesterday evening. It was written with frankness and independance and will be answered in the same way. You complain that I did not answer your letters applying for office. But if you will reflect a moment you may judge whether this ought to be expected. To the successful applicant for an office the commission is the answer. To the unsuccessful multitude am I to go with every one into the reasons for not appointing him? Besides that this correspondence

would literally engross my whole time, into what controversies would it lead me. Sensible of this dilemma, from the moment of coming into office I laid it down as a rule to leave the applicants to collect their answer from the facts. To entitle myself to the benefit of the rule in any case it must be observed in every one: and I never have departed from it in a single case, not even for my bosom friends. You observe that you are, or probably will be appointed an elector. I have no doubt you will do your duty with a conscientious regard to the public good & to that only. Your decision in favor of another would not excite in my mind the slightest dissatisfaction towards you. On the contrary I should honor the integrity of your choice. In the nominations I have to make, do the same justice to my motives. Had you hundreds to nominate, instead of one, be assured they would not compose for you a bed of roses. You would find yourself in most cases with one loaf and ten wanting bread. Nine must be disappointed, perhaps become secret, if not open enemies. The transaction of the great interests of our country costs us little trouble or difficulty. There the line is plain to men of some experience. But the task of appointment is a heavy one indeed. He on whom it falls may envy the lot of a Sisyphus or Ixion. Their agonies were of the body: this of the mind. Yet, like the office of hangman it must be executed by some one. It has been assigned to me and made my duty. I make up my mind to it therefore, & abandon all regard to consequences. Accept my salutations & assurances of respect.

TO WILSON CARY NICHOLAS. J. MSS.

WASHINGTON, Dec. 6, 04.

DEAR SIR,—* * * I thank you for your description of the state of parties. As to one of the extremes I find I have not been mistaken. The line between them and their more moderate brethren I have not so well understood. It is of importance for my government.

From the Federalists there I expect nothing on any principle of duty or patriotism: but I did suppose they would pay some attentions to the interests of Norfolk. Is it the interest of that place to strengthen the hue and cry against the policy of making the Eastern branch our great naval deposit? Is it their interest that this should be removed to New York or Boston to one of which it must go if it leaves this? Is it their interest to scout a defence by gunboats in which they would share amply, in hopes of a navy which will not be built in our day, & would be no defence if built, or of forts which will never be built or maintained, and would be no defence if built? Yet such are the objects which they patronize in their papers. This is worthy of more consideration than they seem to have given it. Accept affectionate salutations & assurances of great esteem & respect.

TO JOHN TAYLOR. J. MSS.

WASHINGTON, Jan. 6, 1805.

DEAR SIR,—Your favor of Dec. 26th has been duly received, and was received as a proof of your friendly partialities to me, of which I have so often had reason

to be sensible. My opinion originally was that the President of the U. S. should have been elected for 7. years, & forever ineligible afterwards. I have since become sensible that 7. years is too long to be irremovable, and that there should be a peaceable way of withdrawing a man in midway who is doing wrong. The service for 8. years with a power to remove at the end of the first four, comes nearly to my principle as corrected by experience. And it is in adherence to that that I determined to withdraw at the end of my second term. The danger is that the indulgence & attachments of the people will keep a man in the chair after he becomes a dotard, that reelection through life shall become habitual, & election for life follow that. Genl. Washington set the example of voluntary retirement after 8. years. I shall follow it, and a few more precedents will oppose the obstacle of habit to anyone after a while who shall endeavor to extend his term. Perhaps it may beget a disposition to establish it by an amendment of the constitution. I believe I am doing right, therefore, in pursuing my principle. I had determined to declare my intention, but I have consented to be silent on the opinion of friends, who think it best not to put a continuance out of my power in defiance of all circumstances. There is, however, but one circumstance which could engage my acquiescence in another election, to wit, such a division about a successor as might bring in a Monarchist. But this circumstance is impossible. While, therefore, I shall make no formal declarations to the public of my purpose, I have freely let it be understood in private conversation. In this I am persuaded your-

self & my friends generally will approve of my views: and should I at the end of a 2d term carry into retirement all the favor which the 1st has acquired, I shall feel the consolation of having done all the good in my power, and expect with more than composure the termination of a life no longer valuable to others or of importance to myself. Accept my affectionate salutations & assurances of great esteem & respect.

TO WILLIAM A. BURWELL. J. MSS.

WASHINGTON, Jan. 28, 05.

DEAR SIR,—Your letter of the 18th has been duly received and Mr. Coles consents to remain here till the 4th of March, when I shall leave this place for Monticello and pass a month there. Consequently if you can join me here the second week in April it will be as early as your absence could effect my convenience. I have long since given up the expectation of any early provision for the extinguishment of slavery among us. There are many virtuous men who would make any sacrifices to affect it, many equally virtuous who persuade themselves either that the thing is not wrong, or that it cannot be remedied, and very many with whom interest is morality. The older we grow, the larger we are disposed to believe the last party to be. But interest is really going over to the side of morality. The value of the slave is every day lessening; his burden on his master dayly increasing. Interest is therefore preparing the disposition to be just; and this will be goaded from time to time by the in-

surrectionary spirit of the slaves. This is easily quelled in it's first efforts; but from being local it will become general, and whenever it does it will rise more formidable after every defeat, until we shall be forced, after dreadful scenes & sufferings to release them in their own way, which, without such sufferings we might now model after our own convenience. Accept my affectionate salutations.

SECOND INAUGURAL ADDRESS.[1]

J. MSS.

March 4, 1805.

Proceeding, fellow citizens, to that qualification which the constitution requires, before my entrance on the charge again conferred upon me, it is my duty to express the deep sense I entertain of this new proof of confidence from my fellow citizens

[1] In the Jefferson MSS. is the following outline:

"Notes of a Draft for a Second Inaugural Address.

"The former one was an exposition of the principles on which I thought it my duty to administer the government. The second then should naturally be a conte rendu, or a statement of facts, shewing that I have conformed to those principles. The former was *promise:* this is *performance.* Yet the nature of the occasion requires that details should be avoided, that, the most prominent heads only should be selected and these placed in a strong light but in as few words as possible. These heads are Foreign affairs; Domestic do., viz. Taxes, Debts, Louisiana, Religion, Indians, The Press. None of these heads need any commentary but that of the Indians. This is a proper topic not only to promote the work of humanizing our citizens towards these people, but to conciliate to us the good opinion of Europe on the subject of the Indians. This, however, might have been done in half the compass it here occupies. But every respector of science, every friend to political reformation must have observed with indignation the hue & cry raised against philosophy & the rights of man; and it really seems as if they would be overborne & barbarism, bigotry & despotism would recover the ground they have lost by the advance of the public understanding. I have thought the occasion justified some discountenance of these anti-social doctrines, some testimony against them, but not to commit myself in direct warfare on them, I have thought it

at large, and the zeal with which it inspires me, so to conduct myself as may best satisfy their just expectations.

On taking this station on a former occasion, I declared the principles on which I believed it my duty to administer the affairs of our commonwealth. My conscience tells me that I have, on every occasion, acted up to that declaration, according to its obvious import, and to the understanding of every candid mind.

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best to say what is directly applied to the Indians only, but admits by inference a more general extension."

There are also two papers, as follows:

"Madison's Memorandum.

"Insert

"Thro' the transactions of a portion of our citizens whose intelligence & arrangements best shield them agst the abuses, as well as inconveniences incident to the collection."

substitute

"Religion. As religious exercises, could therefore be neither controuled nor prescribed by us. They have accordingly been left as the Constitution found them, under the direction & discipline acknowledged within the several states."

Indians

"No desire" instead of "nothing to desire."

" substitute

"Who feeling themselves in the present order of things and fearing to become nothing in any other, inculcate a blind attachment to the customs of their fathers in opposition to every light & example which wd conduct them into a more improved state of existence. But the day I hope is not far distant when their prejudices will yield to their true interests & they will take their stand &c."

Press—strike out from "their own affairs."

Last page—Alter to "views become manifest to them."

This is endorsed "Dept. State recd Feb. 8, 05 Inaugural."

The second paper reads:

"Madison's Memorandum.

"Is the fact certain that the amt of the internal taxes not objectionable in their nature would not have paid the collectors?

"What is the amendment alluded to as necessary to a repartition of liberated revenue amg. the states in time of peace?

"Page 3—'in any view' may be better than 'in any event' that phrase having but just preceded.

"Instead of 'acts of religious exercise suited to it (religion)' 'exercises suited to it' or some equivalent variation is suggested.

"Dept. State recd Feb. 21, 05 Inaugural."

In the transaction of your foreign affairs, we have endeavored to cultivate the friendship of all nations, and especially of those with which we have the most important relations. We have done them justice on all occasions, favored where favor was lawful, and cherished mutual interests and intercourse on fair and equal terms. We are firmly convinced, and we act on that conviction, that with nations, as with individuals, our interests soundly calculated, will ever be found inseparable from our moral duties; and history bears witness to the fact, that a just nation is taken on its word, when recourse is had to armaments and wars to bridle others.

At home, fellow citizens, you best know whether we have done well or ill. The suppression of unnecessary offices, of useless establishments and expenses, enabled us to discontinue our internal taxes. These covering our land with officers, and opening our doors to their intrusions, had already begun that process of domiciliary vexation which, once entered, is scarcely to be restrained from reaching successively every article of produce and property. If among these taxes some minor ones fell which had not been inconvenient, it was because their amount would not have paid the officers who collected them, and because, if they had any merit, the state authorities might adopt them, instead of others less approved.

The remaining revenue on the consumption of foreign articles, is paid cheerfully by those who can afford to add foreign luxuries to domestic comforts, being collected on our seaboards and frontiers only, and incorporated with the transactions of our mercantile citizens, it may be the pleasure and pride of an American to ask, what farmer, what mechanic, what laborer, ever sees a tax-gatherer of the United States? These contributions enable us to support the current expenses of the government, to fulfil contracts with foreign nations, to extinguish the native right of soil within our limits, to extend those limits, and to apply such a surplus to our public debts, as places at a short day their final redemption, and that redemption once effected, the revenue thereby liberated may, by a just repartition among the states, and a corresponding amendment of the constitution, be applied, *in time of peace*, to rivers, canals, roads, arts, manufactures, educa-

tion, and other great objects within each state. *In time of war*, if injustice, by ourselves or others, must sometimes produce war, increased as the same revenue will be increased by population and consumption, and aided by other resources reserved for that crisis, it may meet within the year all the expenses of the year, without encroaching on the rights of future generations, by burdening them with the debts of the past. War will then be but a suspension of useful works, and a return to a state of peace, a return to the progress of improvement.

I have said, fellow citizens, that the income reserved had enabled us to extend our limits; but that extension may possibly pay for itself before we are called on, and in the meantime, may keep down the accruing interest; in all events, it will repay the advances we have made. I know that the acquisition of Louisiana has been disapproved by some, from a candid apprehension that the enlargement of our territory would endanger its union. But who can limit the extent to which the federative principle may operate effectively? The larger our association, the less will it be shaken by local passions; and in any view, is it not better that the opposite bank of the Mississippi should be settled by our own brethren and children, than by strangers of another family? With which shall we be most likely to live in harmony and friendly intercourse?

In matters of religion, I have considered that its free exercise is placed by the constitution independent of the powers of the general government. I have therefore undertaken, on no occasion, to prescribe the religious exercises suited to it; but have left them, as the constitution found them, under the direction and discipline of state or church authorities acknowledged by the several religious societies.

The aboriginal inhabitants of these countries I have regarded with the commiseration their history inspires. Endowed with the faculties and the rights of men, breathing an ardent love of liberty and independence, and occupying a country which left them no desire but to be undisturbed, the stream of overflowing population from other regions directed itself on these shores; without power to divert, or habits to contend against, they have been overwhelmed by the current, or driven before it; now re-

duced within limits too narrow for the hunter's state, humanity enjoins us to teach them agriculture and the domestic arts; to encourage them to that industry which alone can enable them to maintain their place in existence, and to prepare them in time for that state of society, which to bodily comforts adds the improvement of the mind and morals. We have therefore liberally furnished them with the implements of husbandry and household use; we have placed among them instructors in the arts of first necessity; and they are covered with the ægis of the law against aggressors from among ourselves.

But the endeavors to enlighten them on the fate which awaits their present course of life, to induce them to exercise their reason, follow its dictates, and change their pursuits with the change of circumstances, have powerful obstacles to encounter; they are combated by the habits of their bodies, prejudice of their minds, ignorance, pride, and the influence of interested and crafty individuals among them, who feel themselves something in the present order of things, and fear to become nothing in any other. These persons inculcate a sanctimonious reverence for the customs of their ancestors; that whatsoever they did, must be done through all time; that reason is a false guide, and to advance under its counsel, in their physical, moral, or political condition, is perilous innovation; that their duty is to remain as their Creator made them, ignorance being safety, and knowledge full of danger; in short, my friends, among them is seen the action and counteraction of good sense and bigotry; they, too, have their anti-philosophers, who find an interest in keeping things in their present state, who dread reformation, and exert all their faculties to maintain the ascendency of habit over the duty of improving our reason, and obeying its mandates.

In giving these outlines, I do not mean, fellow citizens, to arrogate to myself the merit of the measures; that is due, in the first place, to the reflecting character of our citizens at large, who, by the weight of public opinion, influence and strengthen the public measures; it is due to the sound discretion with which they select from among themselves those to whom they confide the legislative duties; it is due to the zeal and wisdom of the characters thus selected, who lay the foundations of public hap-

piness in wholesome laws, the execution of which alone remains for others; and it is due to the able and faithful auxiliaries, whose patriotism has associated with me in the executive functions.

During this course of administration, and in order to disturb it, the artillery of the press has been levelled against us, charged with whatsoever its licentiousness could devise or dare. These abuses of an institution so important to freedom and science, are deeply to be regretted, inasmuch as they tend to lessen its usefulness, and to sap its safety; they might, indeed, have been corrected by the wholesome punishments reserved and provided by the laws of the several States against falsehood and defamation; but public duties more urgent press on the time of public servants, and the offenders have therefore been left to find their punishment in the public indignation.

Nor was it uninteresting to the world, that an experiment should be fairly and fully made, whether freedom of discussion, unaided by power, is not sufficient for the propagation and protection of truth—whether a government, conducting itself in the true spirit of its constitution, with zeal and purity, and doing no act which it would be unwilling the whole world should witness, can be written down by falsehood and defamation. The experiment has been tried; you have witnessed the scene; our fellow citizens have looked on, cool and collected; they saw the latent source from which these outrages proceeded; they gathered around their public functionaries, and when the constitution called them to the decision by suffrage, they pronounced their verdict, honorable to those who had served them, and consolatory to the friend of man, who believes he may be intrusted with his own affairs.

No inference is here intended, that the laws, provided by the State against false and defamatory publications, should not be enforced; he who has time, renders a service to public morals and public tranquillity, in reforming these abuses by the salutary coercions of the law; but the experiment is noted, to prove that, since truth and reason have maintained their ground against false opinions in league with false facts, the press, confined to truth, needs no other legal restraint; the public judgment will correct false reasonings and opinions, on a full hearing of all parties; and no other definite line can be drawn between the inestimable

liberty of the press and its demoralizing licentiousness. If there be still improprieties which this rule would not restrain, its supplement must be sought in the censorship of public opinion.

Contemplating the union of sentiment now manifested so generally, as auguring harmony and happiness to our future course, I offer to our country sincere congratulations. With those, too, not yet rallied to the same point, the disposition to do so is gaining strength ; facts are piercing through the veil drawn over them ; and our doubting brethren will at length see, that the mass of their fellow citizens, with whom they cannot yet resolve to act, as to principles and measures, think as they think, and desire what they desire ; that our wish, as well as theirs, is, that the public efforts may be directed honestly to the public good, that peace be cultivated, civil and religious liberty unassailed, law and order preserved ; equality of rights maintained, and that state of property, equal or unequal, which results to every man from his own industry, or that of his fathers. When satisfied of these views, it is not in human nature that they should not approve and support them ; in the meantime, let us cherish them with patient affection ; let us do them justice, and more than justice, in all competitions of interest ; and we need not doubt that truth, reason, and their own interests, will at length prevail, will gather them into the fold of their country, and will complete their entire union of opinion, which gives to a nation the blessing of harmony, and the benefit of all its strength.

I shall now enter on the duties to which my fellow citizens have again called me, and shall proceed in the spirit of those principles which they have approved. I fear not that any motives of interest may lead me astray ; I am sensible of no passion which could seduce me knowingly from the path of justice ; but the weakness of human nature, and the limits of my own understanding, will produce errors of judgment sometimes injurious to your interests. I shall need, therefore, all the indulgence I have heretofore experienced—the want of it will certainly not lessen with increasing years. I shall need, too, the favor of that Being in whose hands we are, who led our forefathers, as Israel of old, from their native land, and planted them in a country flowing with all the necessaries and comforts of life ; who has covered

our infancy with his providence, and our riper years with his wisdom and power; and to whose goodness I ask you to join with me in supplications, that he will so enlighten the minds of your servants, guide their councils, and prosper their measures, that whatsoever they do, shall result in your good, and shall secure to you the peace, friendship, and approbation of all nations.

TO WILSON CARY NICHOLAS. J. MSS.

MONTICELLO, Mar. 26, 05.

DEAR SIR,—Your favor of the 10th was received only the last night. I now return you the letter to Colo. Newton, which I pray you to deliver & use your influence to induce an acceptance. It is in truth only asking him to become responsible for his son, which he would of course do were the office given to his son directly: & it will relieve me from a painful dilemma. Should he however refuse, be so good as to inform me of it, and you may at the same time address your letter of resignation to Mr. Gallatin, only confining the knolege of the fact as much as you can between Colo. Newton and yourself, that the appointment may be made before any solicitations can be forwarded.

The divisions among the republicans which you speak of are distressing, but they are not unexpected to me. From the moment I foresaw the entire prostration of federalism, I knew that at that epoch more distressing divisions would take its place. The opinions of men are as various as their faces, and they will always find some rallying principle or point at which those nearest to it will unite, reducing themselves to two stations, under a common name for each. These

stations or camps will be formed of very heterogeneous materials, combining from very different motives, & with very different views. I did believe my station in March 1801 as painful as could be undertaken, having to meet in front all the terrible passions of federalism in the first moment of it's defeat & mortification, and to grapple with it until compleatly subdued. But I consider that as less painful than to be placed between conflicting friends. There my way was clear & my mind made up. I never for a moment had to balance between two opinions. In the new divisions which are to arise the case will be very different. Even those who seem to coalesce will be like the image of clay & brass. However under difficulties of this kind I have ever found one, & only one rule, *to do what is right*, & generally we shall disentangle ourselves without almost perceiving how it happens. Accept my affectionate salutations.

TO THE SECRETARY OF STATE. J. MSS.
(JAMES MADISON.)

MONTICELLO, Apr. 05.

DEAR SIR,—Yours of the 27th is received. I put Lattimore's letter into my bundle of agenda to be acted on in due time. Monroe's, Pinckney's & Jarvis's are now returned. I suspect that Pinckney gives us the true design of Gr. Br. to oust the French and Dutch from our quarter & leave the Spaniards Portuguese. It is possible she would rather see these two last in possession of the southern continent than of any other nation. It is really of good augury that Taleyrand should have been silent about the western boundary of Louisiana, & I have no doubt Monroe will make the most of it. Should it end in our getting the navigation of the Mobile only we must make our protestation

to Spain that we reserve our right which neither time nor silence is to lessen & shall assert it when circumstances call for it. In the meantime propose the keeping it in statu quo, unsettled. I shall be glad that nothing be forwarded to me here after the mail which leaves Washington on Friday the 5th. Accept my affectionate salutations & assurances of constant esteem & respect.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

MONTICELLO, April 3, 1805.

DEAR SIR,—Your favor of the 26th March is received, and I earn with real concern the danger that a temporary loan may be necessary, because we know how it will be perverted to throw dust in the eyes of the people. However, if no other expedient can be used, we must meet it. I have no expectation that Monroe will be able to get any acknowledgement of boundary which we can admit. The next best measure will be to obtain a free use of the rivers of either party, rising within the limits of the other, and that neither party shall either settle or fortify within the disputed country until the limits can be fixed. This will give us time to await and avail ourselves of events. I presume the appointment of Flowers may await my return. In the meantime the other may be heard from. I have desired the Postmaster-General to forward nothing to me here after the 5th instant, as I expect to be with you in a fortnight. Accept affectionate salutations and assurances of constant friendship and respect.

TO THE U. S. MINISTER TO SPAIN. J. MSS.

(JAMES BOWDOIN.)

WASHINGTON, Apr. 27, 05.

DEAR SIR,—Your favor of Mar. 25 has been duly received. I regret that the state of your health renders a visit to this place unadvisable. Besides the gratification we should have felt from personal considerations, the perusal of the correspondences, for some time back, with the governments of Europe most interesting

to us, by putting you in possession of the actual state of things between us, would have enabled you to act under all emergencies with that satisfaction to yourself which is derived from a full knolege of the ground. But I presume you will find this supplied, as to the government to which you go, by the papers of the office at Madrid. Our relations with that nation are vitally interesting. That they should be of a peaceable & friendly character has been our most earnest desire. Had Spain met us with the same dispositions, our idea was that her existence in this hemisphere & ours, should have rested on the same bottom; should have swam or sunk together. We want nothing of hers, & we want no other nation to possess what is hers. But she has met our advances with jealousy, secret malice and ill-faith. Our patience under this unworthy return of disposition is now on it's last trial. And the issue of what is now depending between us will decide whether our relations with her are to be sincerely friendly, or permanently hostile. I still wish & would cherish the former, but have ceased to expect it.

I thank you for the sentiments of esteem you are so good as to express towards me, and the mark of it you wish me to place at Monticello. It shall be deposited with the memorials of those worthies whose remembrance I feel a pride & comfort in consecrating there. With my best wishes for the restoration of your health & for a pleasant voyage, I tender you my friendly salutations & assurances of great esteem & respect.

TO DR. GEORGE LOGAN. J. MSS.

WASHINGTON, May 11, 05.

DEAR SIR,—I received last night a letter from Mr. Thomas Brannagan 163 S. Water St., Philadelphia, asking my subscription to the work announced in the inclosed paper.[1] The cause in which he embarks is

[1] This refers to "Avenia; or, A Tragical Poem on the Oppression of the Human Species," an anti-slavery work printed in Philadelphia in 1805.

so holy, the sentiments he expresses in his letter so friendly that it is highly painful to me to hesitate on a compliance which appears so small. But that is not it's true character, and it would be injurious even to his views, for me to commit myself on paper by answering his letter. I have most carefully avoided every public act or manifestation on that subject. Should an occasion ever occur in which I can interpose with decisive effect, I shall certainly know & do my duty with promptitude & zeal. But in the meantime it would only be disarming myself of influence to be taking small means. The subscription to a book on this subject is one of those little irritating measures, which, without advancing it's end at all, would, by lessening the confidence & good will of a description of friends composing a large body, only lessen my powers of doing them good in the other great relations in which I stand to the publick. Yet I cannot be easy in not answering Mr. Brannagan's letter, unless he can be made sensible that it is better I should not answer it; & I do not know how to effect this, unless you would have the goodness, the first time you go to Philadelphia to see him and to enter into an explanation with him.

I see with infinite pain the bloody schism which has taken place among our friends in Pennsylvania & New York, & will probably take place in other states. The main body of both sections mean well, but their good intentions will produce great public evil. The minority, whichever section shall be the minority, will end in coalition with the federalists,

and some compromise of principle because these will not sell their aid for nothing. Republicanism will thus lose, and royalism gain some portion of that ground which we thought we had rescued to good government. I do not express my sense of our misfortunes from any idea that they are remediable. I know that the passions of men will take their course, that they are not to be controulled but by despotism, & that this melancholy truth is the pretext for despotism. The duty of an upright administration is to pursue it's course steadily, to know nothing of these family dissensions, and to cherish the good principles of both parties. The war ad internecionem which we have waged against federalism has filled our latter ties with strife and unhappiness. We have met it, with pain indeed, but with firmness, because we believed it the last convulsive effort of that hydra which in earlier times we had conquered in the field. But if any degeneracy of principle should ever render it necessary to give ascendancy to one of the rising sections over the other, I thank my God it will fall to some other to perform that operation. The only cordial I wish to carry into my retirement is the undivided good will of all those with whom I have acted. Present me affectionately to Mrs. Logan, and accept my salutations & assurance of constant friendship & respect.[1]

[1] On this political schism in Pennsylvania, Jefferson presently wrote to Leib:

"MONTICELLO, Aug. 12, 05.

"DEAR SIR,—A journey southwardly from hence has prevented my sooner acknoleging the receipt of your favor of July 22. I see with extreme concern the acrimonious dissensions into which our friends in Pennsylvania have

TO JAMES SULLIVAN. J. MSS.

WASHINGTON, May 21, 1805.

DEAR SIR,—An accumulation of business, which I found on my return here from a short visit to Monticello has prevented till now my acknolegment of your favor of the 14th ulti. This delay has given time to see the result of the contest in your State, & I cannot but congratulate you on the advance it manifests, & the certain prospect it offers that another year restores

fallen, but have long since made up my mind on the propriety of the general government's taking no side in state quarrels. And with respect to myself particularly, after eight & thirty years of uniform action in harmony with those now constituting the republican party, without one single instant of alienation from them, it cannot be but my most earnest desire to carry into retirement with me their undivided approbation & esteem. I retain therefore a cordial friendship for both the sections now so unhappily dividing your state. You mention that 'Doctr. Logan had informed the person that he had just received a letter from you exhorting him to use all his influence to procure the reelection of Govr. McKean, for that to displace him would be extremely injurious to the republican cause.' Whatever may be the personal esteem I entertain for Govr. McKean and the harmony with which we acted when members of the same body, I never conceived that that would justify my taking sides against Mr. Snyder, or endeavouring in any way to influence the free choice of the state. I therefore have never written any such letter, nor a letter of such import to any mortal. And further, my long & intimate acquaintance with Doctr. Logan & my knolege of his strict honor leaves the fullest conviction in my mind that there has been some mistake in the hearing, understanding or quoting his words. I the more readily believe that there has been error somewhere when I consider how far opposite passions have the power of tingeing objects seen by men equally honest, of presenting them under aspects totally different, and of perverting their understandings of the same expressions. My confidence in Doctr. Logan's truth is so entire that I dare affirm that he will declare to anyone that he never received such a letter from me. No, sir, so far from taking a side in this distressing quarrel that I look upon both with undiminished affection, & would do anything in my power to assuage & reconcile them. Finally, my dear sir, when you recollect the bitter hostility of the common enemy towards me, the unrelenting perseverance with which they torture, mutilate & pervert every sentence which falls from my pen, you will excuse me in beseeching that nothing of this letter may get into the public prints. Accept my friendly salutations & assurances of great esteem & respect."

Massachusetts to the general body of the nation. You have indeed received the federal unction of lying & slandering. But who has not? Who will ever again come into eminent office, unanointed with this chrism? It seems to be fixed that falsehood & calumny are to be their ordinary engines of opposition; engines which will not be entirely without effect. The circle of characters equal to the first stations is not too large, & will be lessened by the voluntary retreat of those whose sensibilities are stronger than their confidence in the justice of public opinion. I certainly have known, & still know, characters eminently qualified for the most exalted trusts, who could not bear up against the brutal hackings & hewings of these heroes of Billingsgate. I may say, from intimate knolege, that we should have lost the services of the greatest character of our country, had he been assailed with the degree of abandoned licentiousness now practised. The torture he felt under rare & slight attacks, proved that under those of which the federal bands have shewn themselves capable, he would have thrown up the helm in a burst of indignation. Yet this effect of sensibility must not be yielded to. If we suffer ourselves to be frightened from our post by mere lying, surely the enemy will use that weapon; for what one so cheap to those of whose system of politics morality makes no part? The patriot, like the Christian, must learn that to bear revilings & persecutions is a part of his duty; and in proportion as the trial is severe, firmness under it becomes more requisite & praiseworthy. It requires, indeed, self-command. But that will be

fortified in proportion as the calls for it's exercise are repeated. In this I am persuaded we shall have the benefit of your good example. To the other falsehoods they have brought forward, should they add, as you expect, insinuations of any want of confidence in you from the administration generally, or myself particularly, it will, like their other falsehoods, produce in the public mind a contrary inference. No evidence however of that confidence, which I could furnish should be wanting. An appointment to office would be such. But at present there is no opening for it. No vacancy exists in your own state, and the only office here unfulfilled, has been otherwise tendered, & indeed would be incompatible with the views of your state, which destines you for the most distinguished mark of their affection & confidence, requiring your residence there. To the nation in general your election will be as gratifying as to that particular state; for never can we consider our union as solid while so important a member as Massachusetts is disaffected. That we may not fail to obtain this accession to our harmony & prosperity, nor you so honorable a testimony of the esteem & approbation of a respectable state, no one prays more sincerely than I do: and with this assurance I tender you my friendly and respectful salutations.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

May 29, 1805.

Th. J. to Mr. Gallatin.

I have no information that the Act dividing Orleans into counties is passed. By the papers which came yesterday it appeared to have been twice read and committed. Would not the *waters*

of the Red River form one proper district, and the *residuary* country another? or the waters of the Red River and the country *above and between* that and the Mississippi for one, and the *residuary* country the other?

The financial part of your letter is highly pleasing. There must be something more in this increase of revenue than the *natural and war* increase; *depreciation* to a small degree in other countries, a sensible one in this, and a great one in England, must make a part of it, and is a lesson to us to prefer ad valorem to fixed duties. The latter require often retouching, or they become delusive. As to the Orleans revenue, I presume we may consider it as the consumption of 60,000 people and their increase, added to that of 6,000,000 and their increase; for though the former will increase faster than the latter, it will only be by drawing off numbers from them. But, from whatever cause, the increase of revenue is a pleasing circumstance, as it hastens the moment of liberating our revenue, and of permitting us to begin upon canals, roads, college, &c. I presume you will locate on your map the Indians from Sibley's statement; my maps being in the hands of the binder, I cannot do it; but when you shall have done it, I shall be glad to have a consultation with you on the extent to which we may lay off townships, and of the assurance we may give to the Indians included within them. I enclose you a paper at Mr. Madison's request. Affectionate salutations.

TO JOHN DALY BURKE. J. MSS.

WASHINGTON, June 1, 1805.

SIR,—Your favor of May 26th is received, and I am perfectly disposed to communicate to you the collections I possess as far as their condition will admit. What this is will need explanation.

I have a collection, nearly compleat, of the laws from 1624 to 1662 where Purvis's printed collection begins. But some of the volumes are in such a state

of decay, that the leaf falls to pieces on being turned over. Consequently as they never can be examined but once I reserve that to the moment when the legislature shall decide to have an authentic copy taken. In the meantime I have sewed them up in oil cloth, and seared the joints to preserve them from the air. These being antecedent to Bacon's Rebellion are not within the period of your desires.

The printed collection of laws in my possession which comprehend the period you mention, to wit, from Bacon's Rebellion to 1752 are

VOL. 1 Purvis's collection 1662–1682
2 Revisal of 1733 1662–1732
3 Revisal of 1748 1662–1748
4 Revisal of 1768 1662–1768
5 Fugitive sheets published each session 1734–1772
6th, 7th and 8th volumes are of subsequent dates.

The 1st 2d 3d & 4th vols. above mentioned are in every lawyer's hands, therefore you will easily obtain them in your neighborhood. The 5th volume is the only one of which there exists probably no other collection. This fact being generally known, the courts in the different parts of the state are in the practice of resorting to this volume for copies of particular acts called for in the cases before them. For this reason I have always refused to let it go from Monticello not only because it might be lost, but because while it was gone out in the service of one person, many might have occasion to recur to it. But as the depositing it with Governor Page at the seat of government, will keep it within the access of others, and

you mention that that deposit will be perfectly convenient for you, it shall be deposited there.

My collection of newspapers is from 1741 downwards. The vols. preceding 1752 shall be sent with the other to Richmond to be used by you either there or at Petersburg according to your convenience. These also being the only collection probably in existence I purchased & cherish it with a view to public utility. It is answering one of its principal objects when I put it into your hands, & the same public principle will insure your care of it, and it's restoration to it's deposit when you shall have taken what you desire from it. I will immediately write to Mr. Randolph to take these books from the library at Monticello, of which he has the key, & to have them safely conveyed *by water* to Govr. Page at Richmond to whom also I will write on the subject. Altho' I have not yet had time to peruse the volume you have published (for indeed my occupations permit me to read almost nothing) yet occasional recurrence to parts of it & the opinions of others who have read it, occasion me to regret that I am not in a situation to give you the benefit of all my materials. Were I residing at home I could do it, and would with pleasure: and should a second edition be called for after my return to live at Monticello, I am persuaded it will be in my power, as it is certainly in my wish, to furnish you with some useful matter, not perhaps to be found elsewhere. I pray you to accept my salutations & assurances of great respect.

TO THOMAS PAINE. J. MSS.

WASHINGTON, June 5, 05.

DEAR SIR,—Your letters, No. 1, 2, 3, the last of them dated Apr. 20, were received April 26th. I congratulate you on your retirement to your farm, and still more that it is of a character so worthy of your attention. I much doubt whether the open room on your 2d story will answer your expectations. There will be a few days in the year in which it will be delightful, but not many. Nothing but trees, or Venetian blinds, can protect it from the sun. The semi-cylindrical roof you propose will have advantages. You know it has been practised on the cloth market at Paris. De Lorme, the inventor, shews many forms of roofs in his book to which it is applicable. I have used it at home for a dome, being 120° of an oblong octagon, and in the capitol we unite two quadrants of a Sphere by a semi-cylinder; all framed in De Lorme's manner. How has your planing machine answered? Has it been tried & persevered in by any workmen?

France has become so jealous of our conduct as to St. Domingo (which in truth is only the conduct of our merchants), that the offer to become a mediator would only confirm her suspicions. Bonaparte, however, expressed satisfaction at the paragraph in my message to Congress on the subject of that commerce. With respect to the German redemptioners, you know I can do nothing unless authorized by law. It would be made a question in Congress, whether any of the enumerated objects to which the Constitution authorizes the money of the Union to be applied, would

cover an expenditure for importing settlers to Orleans. The letter of the revolutionary sergeant, which you enclosed to me, was attended to by Gen. Dearborne, who wrote to him informing him how to proceed to obtain his land.

Doctr Eustis's observation to you, that 'certain paragraphs in the National Intelligencer' respecting my letter to you, 'supposed to be under Mr. Jefferson's direction, had embarrassed Mr. Jefferson's friends in Massachusetts; that they appeared like a half denial of the letter, or as if there was something in it not proper to be owned, or that needed an apology,' is one of those mysterious half-confidences difficult to be understood. That tory printers should think it advantageous to identify me with that paper, the Aurora, &c., in order to obtain ground for abusing me, is perhaps fair warfare. But that any one who knows me personally should listen one moment to such an insinuation, is what I did not expect. I neither have, nor ever had, any more connection with those papers than our antipodes have; nor know what is to be in them until I see it in them, except proclamations & other documents sent for publication. The friends in Massachusetts who could be embarrassed by so weak a weapon as this, must be feeble friends indeed. With respect to the letter, I never hesitated to avow and to justify it in conversation. In no other way do I trouble myself to contradict anything which is said. At that time, however, there were certain anomalies in the motions of some of our friends, which events have at length reduced to regularity.

It seems very difficult to find out what turns things are to take in Europe. I suppose it depends on Austria, which, knowing it is to stand in the way of receiving the first hard blows, is cautious of entering into a coalition. As to France & England we can have but one wish, that they may disable one another from injuring others.

Accept my friendly salutations, & assurances of esteem & respect.

NOTES ON ARMED VESSELS.[1] J. MSS.

WASHINGTON, July 4, 05.

Notes for consideration & for instructions to any armed vessels which may be sent out to protect our commerce on our coasts.

Preliminary questions. Do the laws authorize the putting vessels in commission for the protection of our commerce other than against Tripoli?

If they do not, should we not do it at our risk & ask an act of indemnity from Congress?

What vessels? The Adams & Baltimore brig for the coast. 2. The for the Mississippi. 3. the for Cuba & the Islands.

Instructions.

Cruising grounds.

The frigate & brig from St. Mary's to St. George's bank, crossing each other always.

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[1] The following paper appears to have been drafted by Jefferson at this time:

"RESOLUTION

"Resolved that the President of the U. S. ought to be authorized by law to employ the armed vessels of the U. S. which may be in commission, for restraining as well the irregularities and oppressions of our commerce, not amounting to piracy, as those of that degree, which shall be committed by private armed vessels within the Gulf stream, in the Gulf itself, or among the islands bordering thereon, & that a bill be brought in for that purpose.

The 3d (if to be had) from Florida point to Rio grande.

The 4th (if to be had) round Cuba & among the islands.

To respect public ships of war, except when violating the 3. miles jurisdiction.

To confine themselves to privateers.

If they find privateers without commissions, or with irregular or doubtful commissions, bring them in for examination.

If their commissions be regular, and they are found cruising within *sight of land* warn them to keep without that limit, & if found within it after warning bring them as offenders against the law for preserving peace in our harbours & *waters*.

If they have regularly seized an American bottom, inquire if their conduct has been regular, viz.,

Have they plundered the vessel?

maltreated the crew?

separated the master &c. from his vessel?

forced the American to send his boat aboard?

Do they refuse to exhibit their commission, to declare their name, vessel flag or port? In all these cases bring them in for examination.

If they have acted correctly, carry or send the prize & the privateer, if a Spaniard to Havana; if French to Sto. Domingo; if English to and deliver them up to the proper tribunal.

If any American citizens are found engaged in the privateers, take them out, & keep them in safe custody to be brought home & delivered up to justice.

You are not to extend your protection 1. to foreign vessels. 2. to American vessels engaged in the slave trade. 3. to American vessels engaged in any contraband commerce.

The gunboats & revenue cutters to be subsidiary.

NOTES ON JEFFERSON'S CONDUCT DURING THE INVASION OF VIRGINIA, 1780–1.[1]

J. MSS.

[Aug. 1805.]

Richmond, 1780, Dec. 31. At eight a.m. the Governor receives the first intelligence that 27 sail of ships had entered Chesapeake

[1] Another paper, undated, relating to this matter is as follows:

"Saturday, December the 31st, 1780, eight o'clock A.M. Received first intel-

bay & were in the morning of the 29th just below Willoughby's point (the southern cape of James river) their destination unknown.

1781 Jan. 2. At ten a.m. information received that they had

ligence that twenty-seven sail were, on the morning of December the 29th, just below Willoughby's Point. Sent off General Nelson with full powers.

"1781. January the 1st. No intelligence.

"January the 2d, ten o'clock A.M. Information from N. Burwell, that their advance was at Warrasqueak Bay. Gave orders for militia, a quarter from some, and half from other counties. Assembly rose.

"Wednesday, January the 3d, eight o'clock, P.M. Received a letter from E. Archer, Swan's Point, that at twelve o'clock that day they were at anchor a little below Jamestown. At five o'clock P.M., of the same day, I had received a letter from R. Andrews for General Nelson, that they were at Jamestown the evening of the 2d.

"Thursday, January the 4th, five o'clock, A.M. Mr. Eppes and family, &c., came and informed me from the Speaker, that they had passed Kennon's and Hood's the evening before; the tide having made for them at one o'clock, P.M., of the 3d, and the wind shifted to the east strong. They had not, however, passed Hood's, but anchored at Kennon's. Called whole militia from adjacent counties. I was then anxious to know whether they would pass Westover, or not, as that would show the side they would land.

"Five o'clock, P.M. Learned by Captain De Ponthiere, that at two o'clock, P.M., they were drawn up at Westover. Then ordered arms, and stores, &c., (which till then had been carrying to Westham,) to be thrown across the river at Richmond; and at half-past seven o'clock, P.M., set out to the foundry and Westham, and set Captain Brush, Captain Irish, and Mr. Hylton, to see everything wagoned from the magazine and laboratory to Westham, and there thrown over; to work all night. The enemy encamped at Four-Mile Creek. I went to Tuckahoe and lodged.

"January the 5th. Went early over the river with my family; sent them up to Fine Creek; went myself to Westham; gave orders for withdrawing ammunition and arms (which lay exposed on the bank to the effect of artillery from opposite shore), behind a point. Then went to Manchester; had a view of the enemy. My horse sunk under me with fatigue; borrowed one, went to Chetwood's, appointed by Baron Steuben as a rendezvous and head-quarters; but finding him not there, and understanding he would go to Colonel Henry's, I proceeded there for quarters. The enemy arrived in Richmond at one o'clock, P.M. One regiment of infantry and thirty horse proceeded, without stopping, to the foundry; burned that and the magazine and Ballendine's house, and went as far as Westham. They returned that evening to Richmond. Sent me a proposition to compound for property. Refused.

January the 6th. In the morning they burned certain houses and stores, and

entered James river, their advance being at Warrasqueak bay. Orders were immediately given for calling in the militia, ¼ from some, & ½ from other counties. The members of the legislature, which rises this day, are the bearers of the orders to their re-

at twelve o'clock of that day left Richmond, and encamped at Four-Mile Creek. I went to Westham, ordered books and papers particularly from magazine. In the evening I went up to Fine Creek.

"January the 7th. I returned to Westham, and then came down to Manchester, where I lodged. The enemy encamped at Westover and Berkley. It had rained excessively the preceding night, and continued to do so till about noon. Gibson has one thousand; Steuben, eight hundred; Davis, two hundred; Nelson, two hundred and fifty.

"January the 8th at half-past seven o'clock, A.M. I returned to Richmond. The wind gets about this time to north-west; a good gale; in the afternoon becomes easterly. The enemy remain in their last encampment. General Nelson at Charles City C. N. Colonel Nicholas with three hundred men at the Forest.

"January the 9th, eleven o'clock. The wind is south-east, but almost nothing. The enemy remain in their last encampment, except embarking their horse.

"January the 10th, at one o'clock, P.M. They embark infantry and fall down the river, the wind having shifted a little north of west, and pretty fresh. Baron Steuben gets to Bland's Mills to-night, nine miles short of Hood's.

"January the 11th, eight o'clock, A.M. The wind due west, and strong.

"Loss sustained by the public.

"The papers and books of the Council since the revolution. The papers of the auditors, but not their books. Five brass field-pieces, four pounders, which had been sunk in the river, but were weighed by the enemy. About one hundred and fifty arms in the Capitol loft. About one hundred and fifty in a wagon on the Brook road. About five tons of powder, and some made ammunition at Magazine. Some small proportion of the linens, cloths, &c., in the public store. Some quarter-master's stores; the principal articles was one hundred and twenty sides of leather. Some of the tools in the artificers' shops. Foundry, magazine, four artificers' shops, public store, quarter-master's store, one artificer's shop, three wagons.

"The legislature was sitting when the entrance of the enemy into James river was made known. They were informed, without reserve, of the measures adopted. Every suggestion from the members was welcomed and weighed, and their adjournment on the second of January furnished the most immediate and confidential means of calling for the militia of their several counties. They accordingly became the bearers of those calls, and they were witnesses themselves, that every preparation was making which the exhausted and harassed state of the country admitted.

"They met again at Richmond in May, and adjourned to Charlottesville,

spective counties. The Governor directs the removal of the records, into the country and the transportation of the military stores from Richmond to Westham (on the river 7 miles above) there to be carried across the river.

where they made a house on the 28th. My office of Governor expired on the 2d of June, being the fifth day of the session ; and no successor had been appointed, when an enterprise on the 4th by Tarleton's cavalry drove them thence, and they met again at Staunton on the 7th. Some members attended there who had not been at Richmond at the time of Arnold's enterprise. One of these, George Nicholas, a very honest and able man, then, however, young and ardent, supposing there had been some remissness in the measures of the Executive on that occasion, moved for an inquiry into them, to be made at the succeeding session. The members who had been present and privy to the transactions, courted the inquiry on behalf of the executive. Mr. Nicholas, as a candid and honorable man, sent me, through a friend, a copy of the topics of inquiry he proposed to go into ; and I communicated to him, with the same frankness, the justifications I should offer, that he might be prepared to refute them if not founded in fact. The following is a copy of both :—

"1st Objection. That General Washington's information was, that an embarcation was taking place, destined for this State.

"Answer. His information was, that it was destined for the Southward as was *given out* at New York. Had similar information from General Washington, and Congress, been considered as sufficient ground at all times for calling the militia into the field, there would have been a standing army of militia kept up ; because there has never been a time, since the invasion expected in December, 1779, but what we have had those intimations hanging over our heads. The truth is, that General Washington always considered as his duty to convey every rumor of an embarkation ; but we (for some time past, at least) never thought anything but actual invasion should induce us to the expense and harrassment of calling the militia into the field ; except in the case of December, 1779, when it was thought proper to do this in order to convince the French of our disposition to protect their ships. Inattention to this necessary economy, in the beginning, went far towards that ruin of our finances which followed.

"2d Objection. Where were the post-riders, established last summer?

"Answer. They were established at Continental expense, to convey speedy information to Congress of the arrival of the French fleet, then expected here. When that arrived at Rhode Island, these expenses were discontinued. They were again established on the invasion in October, and discontinued when that ceased. And again on the first intimation of the invasion of December. But it will be asked, why were they not established on General Washington's letters? Because those letters were no more than we had received upon many former occasions, and would have led to a perpetual establishment of post-riders.

"3d Objection. If a proper number of men had been put into motion on

Jan. 3. At eight p.m. the enemy are said to be a little below Jamestown; convenient for landing if Williamsburg is their object.

4. At five a.m. information is received that they have passed

Monday, for the relief of the lower country, and ordered to march to Williamsburg, that they would at least have been in the neighborhood of Richmond on Thursday.

"Answer. The order could not be till Tuesday, because we then received our first certain information. Half the militia of the counties round about Richmond were then ordered out, and the whole of them on the 4th, and ordered not to wait to come in a body but in detachments as they could assemble. Yet they were not on Friday more than two hundred collected, and they were principally of the town of Richmond.

"4th Objection. That we had not the signals.

"Answer. This, though a favorite plan of some gentlemen, and perhaps a practicable one, has hitherto been thought too difficult.

"5th Objection. That we had not look-outs.

"Answer. There had been no cause to order look-outs more than has been ever existing. This is only in fact asking why we do not always keep look-outs.

"6th Objection. That we had not heavy artillery on travelling carriages.

"Answer. The gentlemen who acted as members of the Board of War a twelvemonth can answer this question, by giving the character of the artificers whom, during that time, they could never get to mount the heavy artillery. The same reason prevented their being mounted from May 1780, to December. We have even been unable to get these heavy cannon moved from Cumberland by the whole energy of government. A like difficulty which occurred in the removal of those at South Quay, in their day, will convince them of the possibility of this.

"7th Objection. That there was not a body of militia thrown into Portsmouth, the great bridge, Suffolk.

"Answer. In the summer of 1780, we asked the favor of General Nelson, to call together the County Lieutenants of the lower counties, and concert the general measures which should be taken for instant opposition, on any invasion, until aid could be ordered by the Executive; and the County Lieutenants were ordered to obey his call; he did so the first moment, to wit, on Saturday, December the 31st, at 8 o'clock A. M., of our receiving information of the appearance of a fleet in the bay. We asked the favor of General Nelson to go down, which he did, with full powers to call together the militia of any counties he thought proper, to call on the keepers of any public arms or stores, and to adopt for the instant such measures as exigencies required, till we could be better informed.

"Query. Why were not General Nelson, and the brave officers with him, particularly mentioned?

Kennon's & Hood's the evening before with a strong Easterly wind which determines their object to be either Petersburg or Richmond. The Governor now calls in the whole militia from the adjacent counties.

"Answer. What should have been said of them? The enemy did not land, nor give them an opportunity of doing what nobody doubts they would have done; that is, something worthy of being minutely recited.

"Query. Why publish Arnold's letter without General Nelson's answer?

"Answer. Ask the printer. He got neither from the Executive.

"Objection. As to the calling out a few militia, and that late.

"Answer. It is denied that they were few or late. Forty thousand and seven hundred men (the number required by Baron Steuben) were called out the moment an invasion was known to have taken place, that is on Tuesday, January 2d.

"Objections. The abandonment of York and Portsmouth fortifications.

"Answer. How can they be kept without regulars, on the large scale on which they were formed? Would it be approved of to harass the militia with garrisoning them?

"To place me on equal grounds for meeting the inquiry, one of the representatives of my county resigned his seat, and I was unanimously elected in his place. Mr. Nicholas, however, before the day, became better satisfied as to what had been done, and did not appear to bring forward the inquiry; and in a publication, several years after, he made honorable acknowledgement of the erroneous views he had entertained on those transactions. I therefore read in my place the inquiries he had proposed to make, and stated the justifications of the Executive. And nearly every member present having been a witness to their truth, and conscious all was done which could have been done, concurred at once in the following resolution:

"'The following resolution was *unanimously* agreed to by both houses of the General Assembly of Virginia, December the 19th, 1781.'

"'Resolved, That the sincere thanks of the General Assembly be given to our former Governor, Thomas Jefferson, Esquire, for his impartial, upright, and attentive administration whilst in office. The Assembly wish in the strongest manner to declare the high opinion they entertained of Mr. Jefferson's ability, rectitude, and integrity as Chief Magistrate of this Commonwealth, and mean, by thus publicly avowing their opinion, to obviate and to remove all unmerited censure.'

"And here it is but proper to notice the parody of these transactions which General Lee has given as their history. He was in a distant State at the time, and seems to have made up a random account from the rumors which were afloat where he then was. It is a tissue of errors from beginning to end.

"The nonsense which has been uttered on the *coup de main* of Tarleton on Charlottesville is really so ridiculous, that it is almost ridiculous seriously to

At five p.m. information that at 2. p.m. they were landed & drawn up at Westover (on the North side of the river & 25 miles below Richmond) and consequently Richmond their destination. Orders are now given to discontinue waggoning the mil-

notice it. I will briefly, however, notice facts and dates. It has been said before, that the legislature was driven from Charlottesville by an incursion of the enemy's cavalry. Since the adjournment from Richmond, their force in this country had been greatly augmented by reinforcements under Lord Cornwallis and General Phillips; and they had advanced up into the country as far as Elk Island, and the Fork of James river. Learning that the legislature was in session in Charlottesville, they detached Colonel Tarleton with his legion of horse to surprise them. As he was passing through Louisa on the evening of the 3d of June, he was observed by a Mr. Gouett, who, suspecting the object, set out immediately for Charlottesville, and knowing the byways of the neighborhood, passed the enemy's encampment, rode all night, and before sunrise of the 4th, called at Monticello with notice of what he had seen, and passed on to Charlottesville to notify the members of the legislature. The Speakers of the two houses, and some other members were lodging with us. I ordered a carriage to be ready to carry off my family; we breakfasted at leisure with our guests, and after breakfast they had gone to Charlottesville; when a neighbor rode up full speed to inform me that a troop of horse was then ascending the hill to the house. I instantly sent off my family, and after a short delay for some pressing arrangements, I mounted my horse; and knowing that in the public road I should be liable to fall in with the enemy, I went through to woods, and joined my family at the house of a friend, where we dined. Would it be believed, were it not known, that this flight from a troop of horse, whose whole legion, too, was within supporting distance, has been the subject, with party writers, of volumes of reproach on me, serious or sarcastic? That it has been sung in verse, and said in humble prose, that forgetting the noble example of the hero of La Mancha, and his wind-mills, I decline a combat against a troop, in which victory would have been so glorious? Forgetting, themselves, at the same time, that I was not provided with the enchanted arms of the Knight, nor even with his helmet of Mambrino. These closet heroes, forsooth, would have disdained the shelter of a wood, even singly and unarmed, against a legion of armed enemies.

"Here, too, I must note another instance of the want of that correctness in writing history, without which it becomes romance. General Lee says that Tarleton, in another enterprise some time after, penetrated up the south side of James river to New London, in Bedford county. To that neighborhood precisely, where I had a possession, I had carried my family, and was confined there several weeks by the effects of a fall from my horse; and I can assure the readers of General Lee's history, that no enemy ever came within forty miles of New London."

itary stores from Richmond to Westham, & to throw them across the river directly at Richmond.

The Governor having attended to this till an hour and a half in the night then rode up to the foundry (1 mile below Westham) ordered Capts. Brush & Irish, & Mr. Hylton to continue all night waggoning to Westham the arms & stores still at the Foundry, to be drawn across the river at Westham, then proceeded to Westham to urge the pressing the transportation there across the river, and thence went to Tuckahoe (8 miles above & on the same side of the river) to see after his family which he had sent that far in the course of the day. He arrived there at 1 o'clock in the night.

Jan. 5. Early in the morning he carried his family across the river there, and sending them to Fine creek (8 miles higher up) went himself to Britton's on the S. side of the river (opposite to Westham) finding the arms &c. in a heap near the shore, & exposed to be destroyed by cannon from the North bank. He had them removed under cover of a point of land near by. He proceeded to Manchester (opposite to Richmond). The enemy had arrived at Richmond at 1 p.m. Having found that nearly the whole arms had been got there from Richmond, he set out for Chetwood's to meet with Baron Steuben, who had appointed that place as a rendezvous & headquarters; but not finding him there, & understanding he would be at Colo. Fleming's (six miles above Britton's) he proceeded thither. The enemy had now a detachment at Westham, and sent a deputation from the city of Richmond to the Governor, at Colo. Fleming's to propose terms for ransoming the safety of the city, which terms he rejected.

Jan. 6. The Governor returned to Britton's, had measures taken more effectually to secure the books & papers there. The enemy having burnt some houses & stores, left Richmond, after 24 hours stay there, & encamped at Four mile creek (8 or 10 miles below) & the Governor went to look to his family at fine creek.

Jan. 7. He returned to Britton's to see further to the arms there, exposed on the ground to heavy rains which had fallen the night before & then proceeded to Manchester, & lodged there. The enemy encamped at Westover.

Jan. 8. At half after 7 a.m. he crossed over to Richmond, &

resumed his residence there. The enemy are still retained in their encampment at Westover by an Easterly wind. Colo. John Nicholas has now 300 militia at the Forest (6 miles off from Westover,) Genl. Nelson 200 at Charles city courthouse (8 miles below Westover), Gibson 1000 and Baron Steuben 800 on the South side the river.

Jan. 9. The enemy are still in camp at Westover.

Jan. 10. At one p.m. they embarked: and the wind having shifted a little to the North of the West, & pretty fresh, they fall down the river. Baron Steuben marches for Hood's where their passage may be checked. He reaches Land's mills in the evening, within 9 miles of Hood's.

Jan. 11. At 8 a.m. the wind due West & strong they make good their retreat.

During this period time and place have been minutely cited, in order that those who think there was any remissness in the movements of the Governor, may lay their finger on the point and say when & where it was. Hereafter less detail will suffice.

Soon after this, General Phillips having joined Arnold with a reinforcement of 2000 men, they advanced again up to Petersburg, & about the last of April to Manchester. The Governor had remained constantly in and about Richmond, exerting all his powers for collecting militia, and providing such means for the defence of the state as it's exhausted resources admitted. Never assuming a guard, & with only the river between him & the enemy, his lodgings were frequently within 4, 5 or 6 miles of them.

M. De Lafayette, about this time, arrived at Richmond with some Continental troops, with which, & the militia collected, he continued to occupy that place, and the North bank of the river, while Phillips & Arnold held Manchester & the South bank. But Lord Cornwallis, about the middle of May joining them with the main Southern army, M. de Lafayette was obliged to retire. The enemy crossed the river & advanced up into the country about 50 miles, & within 30 miles of Charlottesville, at which place the legislature being to meet in June, the Governor proceeded to his seat at Monticello, 2 or 3 miles from it. His office was now near expiring, the country under invasion by a powerful army, no services but military of any avail, unprepared by his line of life &

education for the command of armies, he believed it right not to stand in the way of talents better fitted than his own to the circumstances under which the country was placed. He therefore himself proposed to his friends in the legislature, that Gen. Nelson, who commanded the militia of the state, should be appointed Governor, as he was sensible that the union of the civil & military power in the same hands at this time, would greatly facilitate military measures. This appointment accordingly took place on the 12th of June 1781.

This was the state of things, when, his office having actually expired, & no successor not yet in place, Colo. Tarleton, with his regiment of horse, was detached by Ld. Cornwallis to surprise Mr. Jefferson, (whom they thought still in office) and the Legislature now sitting in Charlottesville. The Speakers of the two houses, & some other members of the legislature were lodging with Mr. Jefferson at Monticello. Tarleton, early in the morning, (June 23, 1781) when within 10 miles of that place, detached a company of horse to secure him & his guests, and proceeded himself rapidly with his main body to Charlottesville, where he hoped to find the legislature unapprised of his movement. Notice of it, however, had been brought, both to Monticello & Charlottesville, about sunrise. The Speakers, with their Colleagues, returned to Charlottesville, and with the other members of the legislature, had barely time, to get out of his way. Mr. Jefferson sent off his family to secure them from danger, and was himself still at Monticello making arrangements for his own departure when Lieutt. Hudson arrived there at half speed, & informed him the enemy were then ascending the hill of Monticello. He departed immediately, & knowing that he would be pursued if he took the high road, he plunged into the woods of the adjoining mountain, where being at once safe, he proceeded to overtake his family. This is the famous adventure of Carter's mountain, which has been so often resounded through the slanderous chronicles of federalism. But they have taken care never to detail the facts, lest these should shew that this favorite charge amounted to nothing more than that he did not remain in his house, and there singly fight a whole troop of horse, or suffer himself to be taken prisoner. Having accompanied his family one day's journey, he

returned to Monticello. Tarleton had retired after 18 hours stay in Charlottesville. Mr. Jefferson then rejoined his family, and proceeded with them to an estate he had in Bedford, about 80 miles SW where, riding in his farm some time after, he was thrown from his horse, & disabled from riding on horseback for a considerable time. But Mr. Turner finds it more convenient to give him this fall in his retreat before Tarleton, which had happened some weeks before, as a proof that he withdrew from a troop of horse with a precipitancy which Don Quixot would not have practised.

The facts here stated most particularly, with date of time and place, are taken from the notes made by the writer hereof, for his own satisfaction, at the time : the others are from memory, but so well recollected that he is satisfied there is no material fact misstated. Should any person undertake to contradict any particular on evidence which may at all merit the public respect, the writer will take the trouble (tho' not at all in the best situation for it) to produce the proofs in support of it. He finds indeed that of the persons whom he recollects to have been present on these occasions, few have survived the intermediate lapse of four and twenty years. Yet he trusts that some, as well as himself, are yet among the living; and he is positively certain that no man can falsify any material fact here stated. He well remembers indeed that there were then, as there are at all times, some who blamed everything done contrary to their own opinion, althou' their opinions were formed on a very partial knowledge of facts. The censures which have been hazarded by such men as Mr. Turner, are nothing but revivals of these half informed opinions. Mr. George Nicholas, then a very young man, but always a very honest one, was prompted by these persons to bring specific charges against Mr. Jefferson. The heads of these in writing were communicated thro' a mutual friend to Mr. Jefferson, who committed to writing also the heads of justification on each of them. I well remember this paper, & believe the original of it still exists, and tho' framed when every real fact was fresh in the knolege of everyone, this fabricated flight from Richmond was not among the charges stated in this paper, nor any charge against Mr. Jefferson for not fighting singly the troop of horse. Mr. Nicholas candidly re-

linquished further proceeding. The House of Representatives of Virginia pronounced an honorable sentence of entire approbation of Mr. Jefferson's conduct, and so much the more honorable as themselves had been witnesses to it. And Mr. George Nicholas took a conspicuous occasion afterwards, of his own free will, & when the matter was entirely at rest, to retract publicly the erroneous opinions he had been led into on that occasion, & to make just reparation by a candid acknolegement of them.

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

MONTICELLO, Aug. 4, 05.

DEAR SIR:—On my return from Bedford two days ago I received your favor of July 24 and learnt with sincere regret that Mrs. Madison's situation required her going to Philadelphia. I suppose the choice between Physic and Baynham was well weighed. I hope the result will be speedy & salutary, and that we shall see you in this quarter before the season passes over.

A letter from Charles Pinckney of May 22 informs me that Spain refuses to settle a limit, & perseveres in withholding the rectification of the convention. He says not a word of the status quo, from which I conclude it has not been proposed. I observe by the papers that Dalton is arrived with the public dispatches, from which we shall know the particulars. I think the status quo, if not already proposed, should be immediately offered through Bowdoin. Should it even be refused, the refusal to settle a limit is not of itself a sufficient cause of war, nor is the withholding a ratification worthy of such a redress. Yet these acts shew a purpose both in Spain & France against which we ought to provide before the conclusion of a peace. I think therefore we should take into consideration whether we ought not immediately to propose to England an eventual treaty of alliance, to come into force whenever (within years) a war shall take place with Spain or France. It may be proper for the ensuing Congress to make some preparations for such an event, and it should be in our power to shew we have done the same. This for your consideration.

Mr. Wagner writes me that two black convicts from Surinam are landed at Philadelphia. Being on the spot you will have a better opportunity of judging what should be done with them. To me it seems best that we should send them to England with a proper representation against such a measure. If the transportation is not within any of the regular appropriations it will come properly on the contingent fund. If the law does not stand in the way of such an act, & you think as I do, it may be immediately carried into execution. Accept for Mrs. Madison & yourself my affectionate salutations & assurances of constant esteem & respect.[1]

TO THE SECRETARY OF THE TREASURY. J. MSS.
(ALBERT GALLATIN.)

MONTICELLO, Aug. 7, 1805.

DEAR SIR,—You have probably learnt through other channels that our Commissioners to Spain have terminated their mission

[1] Three days later he wrote to Madison:

"MONTICELLO, Aug. 7, 1805.

"DEAR SIR,—On a view of our affairs with Spain, presented me in a letter from C. Pinckney, I wrote you on the 23d of July, that I thought that we should offer them the *status quo*, but immediately propose provisional alliance with England. I have not yet received the whole correspondence. But the portion of the papers now enclosed to you, confirm me in the opinion of the expediency of a treaty with England, but make the offer of the *status quo* more doubtful. The correspondence will probably throw light on that question; from the papers already received I infer a confident reliance on the part of Spain on the omnipotence of Bonaparte, but a desire of procrastination till peace in Europe shall leave us without an ally. General Dearborn has seen all the papers. I will ask the favor of you to communicate them to Mr. Gallatin & Mr. Smith. From Mr. Gallatin I shall ask his first opinion, preparatory to the stating formal questions for our ultimate decision. I am in hopes you can make it convenient on your return to see & consult with Mr. Smith & Gen. Dearborn, unless the latter should be come on here where I can do it myself. On the receipt of your own ideas, Mr. Smith's and the other gentlemen, I shall be able to form points for our final consideration & determination.

"I enclose you some communications from the Mediterranean. They shew Barron's understanding in a very favorable view. When you shall have perused them, be so good as to enclose them to the Secretary of the Navy. Accept my fervent wishes for the speedy recovery of Mrs. Madison, and your speedy visit to this quarter."

without success in a single point. I have desired Mr. Madison to send you the papers, and when you shall have perused them I will ask a communication of your general view of what is expedient for us to do. I ask the same of the other gentlemen. When I shall have received them it will enable me to form precise points on which to ask their ultimate judgment. This will employ some time; but the case is serious, and is entitled to time and mature consideration. * * *

P. S. It seems essential to our success with England that we should not be understood as absolutely committed to war with Spain.

TO THE SECRETARY OF STATE. J. MSS.
(JAMES MADISON.)

MONTICELLO, Aug. 25, 1805.

DEAR SIR,—I confess that the enclosed letter from General Turreau excites in me both jealousy & offence in undertaking, & without apology, to say in what manner we are to receive and treat Moreau within our own country. Had Turreau been here longer he would have known that the national authority pays honors to no foreigners. That the State authorities, municipalities and individuals, are free to render whatever they please, voluntarily, & free from restraint by us; & he ought to know that no part of the criminal sentence of another country can have any effect here. The style of that government in the Spanish business, was calculated to excite indignation; but it was a case in which that might have done injury. But the present is a case which would justify some notice in order to let them understand we are not of those powers who will receive & execute mandates. I think the answer should shew independence as well as friendship. I am anxious to receive the opinions of our brethren after their review & consideration of the Spanish papers. I am strongly impressed with a belief of hostile & treacherous intentions against us on the part of France, and that we should lose no time in securing something more than a mutual friendship with England.

Not having heard from you for some posts, I have had a hope

you were on the road & consequently that Mrs. Madison was re-established. We are now in want of rain, having had none in the last ten days. In your quarter I am afraid they have been much longer without it. We hear great complaints from F. Walker's, Lindsay's, Maury's, &c., of drought. Accept affectionate salutations, & assurances of constant friendship.

P. S. I suppose Kuhn, at Genoa, should have new credentials.

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

MONTICELLO, Aug. 27, 05.

DEAR SIR,—Yours of the 20th has been received, and in that a letter from Casinove, and another from Mrs. Ciracchi ; but those from Turreau and to Yrujo were not enclosed. Probably the former was what came to me by the preceding post, respecting Moreau ; if so, you have my opinion on it in my last. Considering the character of Bonaparte, I think it material at once to let him see that we are not one of the powers who will receive his orders.

I think you have misconceived the nature of the treaty I thought we should propose to England. I have no idea of committing ourselves immediately or independently of our further will to the war. The treaty should be provisional only, to come into force on the event of our being engaged in war with either France or Spain during the present war in Europe. In that event we should make common cause, & England should stipulate not to make peace without our obtaining the objects for which we go to war to wit, the acknolegment by Spain of the rightful boundaries of Louisiana (which we should reduce to our minimum by a secret article) and 2, indemnification for spoliations, for which purpose we should be allowed to make reprisal on the Floridas & *retain them* as an indemnification. Our co-operation in the war (if we should actually enter into it) would be a sufficient consideration for Great Britain to engage for it's object ; and it being generally known to France & Spain that we had entered into treaty with England, would probably ensure us a peaceable & immediate

setttlement of both points. But another motive much more powerful would indubitably induce England to go much further. Whatever ill-humor may at times have been expressed against us by individuals of that country, the first wish of every Englishman's heart is to see us once more fighting by their sides against France; nor could the king or his ministers do an act so popular as to enter into an alliance with us. The nation would not weigh the consideration by grains & scruples. They would consider it as the price & pledge of an indissoluble course of friendship. I think it possible that for such a provisional treaty they would give us their general guarantee of Louisiana & the Floridas. At any rate we might try them. A failure would not make our situation worse. If such a one could be obtained we might await our own convenience for calling up the *casus fœderis*. I think it important that England should receive an overture as early as possible, as it might prevent her listening to terms of peace. If I recollect rightly, we had instructed Monroe, when he went to Paris, to settle the deposit; if he failed in that object to propose a treaty to England immediately. We could not be more engaged to secure the deposit then than we are the country now, after paying 15. millions for it. I do expect, therefore, that, considering the present state of things as analogous to that, & virtually within his instructions, he will very likely make the proposition to England. I write my thoughts freely, wishing the same from the other gentlemen, that seeing & considering the ground of each other's opinions we may come as soon as possible to a result. I propose to be in Washington on the 2d of October. By that time I hope we shall be ripe for some conclusion.

I have desired Mr. Barnes to pay my quota of expenses relating to the Marseilles cargo, whatever you will be so good as to notify him that it is. I wish I could have heard that Mrs. Madison's course of recovery were more speedy. I now fear we shall not see you but in Washington. Accept for her & yourself my affectionate salutations, & assurances of constant esteem & respect.

TO THE SECRETARY OF STATE. J. MSS.
(JAMES MADISON.)

MONTICELLO, Sep. 16, 1805.

DEAR SIR,—The enclosed letter from General Armstrong furnishes matter for consideration. You know the French considered themselves entitled to the Rio Bravo, & that Laussat declared his orders to be to receive possession to that limit, but not to Perdido; & that France has to us been always silent as to the Western boundary, while she spoke decisively as to the Eastern. You know Turreau agreed with us that neither party should strengthen themselves in the disputed country during negociation; and Armstrong, who says Monroe concurs with him, is of opinion, from the character of the Emperor, that were we to restrict ourselves to taking the posts on the west side of the Missipi. & threaten a cessation of intercourse with Spain, Bonaparte would interpose efficiently to prevent the quarrel going further. Add to these things the fact that Spain has sent 500. colonists to St. Antonio, & 100 troops to Nacogdoches, & probably has fixed or prepared a post at the Bay of St. Bernard, at Matagordo. Supposing, then, a previous alliance with England to guard us in the worst event, I should suppose that Congress should pass acts, 1, authorizing the Exve. to suspend intercourse with Spain at discretion; 2, to dislodge the new establishments of Spain between the Missipi. & Bravo; and 3, to appoint commrs. to examine & ascertain all claims for spoliation that they might be preserved for future indemnification. I commit these ideas merely for consideration, & that the subject may be matured by the time of our meeting at Washington, where I shall be myself on the 2d of October. I have for some time feared I should not have the pleasure of seeing you either in Albemarle or Orange, from a general observation of the slowness of surgical cases. However, should Mrs. Madison be well enough for you to come to Orange, I will call on you on my way to Washington, if I learn you are at home. Genl. Dearborne is here. His motions depend on the stage. Accept for Mrs. M. & yourself affectionate salutations.

P. S. I am afraid Bowdoin's journey to England will furnish a ground for Pinckney's remaining at Madrid. I think he should

be instructed to leave it immediately, & Bowdoin might as well, perhaps, delay going there till circumstances render it more necessary.

TO THE SECRETARY OF STATE. J. MSS.
(JAMES MADISON.)

WASHINGTON, Oct. 11, 05.

DEAR SIR.—The only questions which press on the Executive for decision are whether we shall enter into a provisional alliance with England to come into force only in the event that *during the present war* we become engaged in war *with France?* leaving the declaration of the casus federis ultimately to us. Whether we shall send away Yrujo, Casacalvo, Morales? Whether we shall instruct Bowdoin not to go to Madrid until further orders? But we are all of opinion that the first of these questions is too important & too difficult to be decided but on the fullest consideration, in which your aid and council should be waited for. I sincerely regret the cause of your absence from this place, and hope it will soon be removed; but it is one of those contingencies from the effects of which even the march of public affairs cannot be exempt. Perhaps it would not be amiss to instruct Bowdoin to await at London further orders; because if we conclude afterwards that he should proceed, this may follow the other instruction without delay.[1]

[1] On October 23d, Jefferson wrote to Madison:

"WASHINGTON, Oct. 23, '05.

"DEAR SIR,—Yours of the 20th came to hand last night. I sincerely regret that Mrs. Madison is not likely to be able to come on so soon as had been hoped. The probability of an extensive war on the continent of Europe strengthening every day for some time past, is now almost certain. This gives us our great desideratum, time. In truth it places us quite at our ease. We are certain of one year of campaigning at least, and one other year of negotiation for their peace arrangements. Should we be now forced into war, it is become much more questionable than it was whether we should not pursue it unembarrassed by any alliance & free to retire from it whenever we can obtain our separate terms. It gives us time too to make another effort for peaceable settlement. Where should this be done? Not at Madrid certainly. At Paris; through Armstrong, or Armstrong & Monroe as negotiators, France as the mediator, the price of the Floridas as the means. We need not care who gets

I am glad we did not intermeddle with Armstrong's decision against the insurance companies. I am told these companies have a great mixture of English subscribers. If so, the question

that: and an enlargement of the sum we had thought of may be the bait to France, while the Guadaloupe as the western boundary may be the soother of Spain, providing for our spoliated citizens in some effectual way. We may announce to France that determined not to ask justice of Spain again, yet desirous of making one other effort to preserve peace, we are willing to see whether her interposition can obtain it on terms which we think just; that no delay however can be admitted, & that in the meantime should Spain attempt to change the status quo, we shall repel force by force, without undertaking other active hostilities till we see what may be the issue of her interference. I hazard my own ideas merely for your consideration. The present state of things does not so far press as to render it necessary for you to do violence to your feelings by prematurely leaving Mrs. Madison. Accept for her & yourself my affectionate salutations.

"P. S. Let Mr. Smith know as you pass thro' Baltimore, & he will come on."

One day later Jefferson wrote to the Secretary of the Navy:

"WASHINGTON, Oct. 24, 05.

"DEAR SIR,—Understanding from Mr. Madison that he would be here by the last of the week, I wrote to desire him to give you notice of his passing thro' Baltimore: but by a letter received yesterday it is probable he will have set out before my letter reaches him.

The almost certainty which now appears of an extensive continental war in Europe changes our situation most advantageously, inasmuch as it ensures us another year's continuance at least of that war. Consequently we need be in no hurry to make any propositions to England, but may proceed at once to make another & last effort to bring Spain to a settlement; and even if we fail, it is now much more questionable than it was whether we had not better enter the war unembarrassed by any alliance, that we may withdraw separately as soon as our separate terms can be obtained. How & where to open new conferences is the question? Not in Spain certainly, nor with Spain. Will it not be better to make a friendly appeal to France, letting them understand it is a last effort for peace, settle through them a reasonable price for the Floridas, part money, part concession towards the Rio bravo, but securing *from Spain* the indemnification for spoliations by hypothecation until she pays principal & interest. We in the meantime paying our merchants their interest & guaranteeing the principal, so that they may sell the debt as stock for present relief. I hazard these new thoughts produced by the new circumstances, for consideration & consultation as soon as we can meet. Then also I wish to consult you on a plan of a regular naval militia to be composed of all our seafaring citizens, to enable us to man a fleet speedily by supplying voluntary enlistments by calls on that militia. Affectionate salutations."

becomes affected by the partnership. What is become of our hermitage? As you are in the neighborhood of Butler I presume the claim upon us could be easily settled & apportioned. Present my respects to Mrs. Madison & my prayers for her speedy & perfect re-establishment and accept yourself affectionate salutations.

TO THE SECRETARY OF THE TREASURY. J. MSS.
(ALBERT GALLATIN.)

October 23, 1805.

Th. J. to Mr. Gallatin.

I send for your perusal another letter of Mr. Madison, which I will ask the favor of you to return immediately with the one sent on Saturday, and on which it is necessary to act.

The war on the Continent of Europe appears now so certain, and that peace is at least one year off, that we are now placed at our ease in point of time. We may make another effort for a peaceable accommodation with Spain without the danger of being left alone to cope with both France and Spain ; and even if we are driven to war, it is now much more questionable than it was whether we had not better enter into it without fettering ourselves with an alliance, that we may be free to retire whenever our terms can be obtained. Peace cannot now be made in Europe but by a general convention, and that will take best part of a twelvemonth to arrange. Our question now is in what way to give Spain another opportunity of arrangement? Is not Paris the place? France the agent? The purchase of the Floridas the means? Affectionate salutations.

TO WILSON CARY NICHOLAS. J. MSS.

WASHINGTON, Oct. 25, 1805.

DEAR SIR,—Immediately on my arrival here I examined my papers & found that I had delivered up to the Treasury the copy of the judgment against Robinson's administrators. I took the first oppor-

tunity therefore of speaking to Mr. Gallatin & desiring him to transmit it to you. He did not recollect the receipt of it, but promised to have it searched for, from him therefore you will receive it.

It seems now certain there will be an extensive war on the continent of Europe. We shall avail ourselves of the time which this event gives us to bring Spain peaceably to reason, & I believe there is a way of doing it with dignity & effect. Should it even fail, we shall still be in time to do ourselves justice if the case shall call for it. This new state of things is the more fortunate in proportion as it would have been disagreeable to have proposed closer connections with England at a moment when so much just clamour exists against her for her new encroachments on neutral rights. Accept affectionate salutations & assurances of great esteem & respect.

CABINET DECISION ON SPAIN. J. MSS.

[Nov. 14, 1805.]

1. Spain shall cede & confirm to the US. East & West Florida with the islands & waters thereon depending & shall deliver possn. immedly.

2. The US. shall pay to Spain in the city of Madrid on delivery of possn. 5. M. D. within Months after the treaty shall have been ratified by Spain.

3. Spain & France to have the same privileges respecting trade in the Floridas as [illegible] in Louisa.

4. The boundary between the territories of Orleans & Louisiana on the one side & the domns. of Spain on the other shall be the river Colorado[1] from its mouth to it's source thence due N. to the

[1] Here the MS. reads, "Guadaloupe, if to be obtd, Colorado if not," and then the words are struck out.

highlands inclosing the waters which run directly or indirectly into the Missouri or Misipi rivers, & along those highlands as far as they border on the Span. domns.

5. The country between the Western boundary of the territories of Orleans on the one side—& Louis[a] on the other (the Rio Bravo & Eastern or Salt river branch thereof Rio Colorado) from its main source & by the shortest coast to the highlands before ment[d] as the sd. Western bound[y] shall remain unsettled for 30 years from the date of this treaty.

6. Spain shall pay to the US. in the city of Wash[n] on or before the last day of Dec. 1807. 4. M[s] D. as an indemnific[n] & acquittance for all Spolians comm[d] under her flag on the citizens of the US. prior to the 1st day of Nov. 1805. with interest thereon from the date of this treaty, & for the faithful perform[ce] thereof she hypothecates to the US. the country described in the 5th article.

7. The US. in the mean time undertake to advance to their citizens the interest on their respective claims for such spolitns. to be settled by authority of the US. and in the event of a failure by Spain to pay the sd. 4. M. & inst. as before stipulated, the country described in the 5th Art. shall stand ipso facto vested in the US. who shall be ansable. to their citizens for their just demands as settled by the 7th Art., & all interest past & to come, so that Spain by the forfeiture of the sd. country shall stand liberated from all demands of principal or interest past or to come for the sd. spolians. but the US. shall permit no settlemt. with in the sd. country for the term of 30. years before mentioned.

DRAFT OF FIFTH ANNUAL MESSAGE.[1]

Dec. 3, 1805.

To the Senate & House of Representatives of the U. S. of America.

At a moment when the nations of Europe are in commotion & arming against each other, when those with whom we have principal intercourse are engaged in the general contest, and when

[1] The following are papers relating to this message. The first is indorsed "Dept. of State recd Oct. 25 Message."

the countenance of some of them towards our peaceable country, threatens that even that may not be unaffected by what is passing on the general theatre, a meeting of the representatives of the nation in both Houses of Congress has become more than usually desirable. Coming from every section of our country, they bring with them the sentiments & the information of the whole, & will

" Madison's Memorandum.

"(*a*) And which have been increased by peculiar circumstances in the W. Indn. seas, yet in the more distant channels, at least of our trade.

"(*b*) The act authorizes &c. provisionally at least—a port &c. without the limits of the U. S. the words in ( ) may be left out.

"(*c*) (On the part of Spain).

"(*d*) (Proper to suspend) will accord better with the case—as the 6th. atr. is also made a ground of suspension.

"(*e*) May reasonably be expected to replace the Spanish govt. in the disposition which originally concurred in the Convention.

"(*f*) (Manifestations).

"(*g*) (On proper) quer. if the last circumstance may not be omitted in so general a paragraph and left to be included in some particular message or taken up on informal suggestion.

"(*h*) Quer here as above.

"(*i*) (Effectual) is it not too strong?"

On Nov. 24, Jefferson wrote to Madison :

"How will it do to amend the passage respecting England to read as follows?

"'New principles too have been interpolated into the Law of Nations, founded neither in justice, nor the usage or acknolegement of nations. According to these a belligerent takes to itself a commerce with it's own enemy, which it denies to a neutral on the ground of it's aiding that enemy. But reason revolts at such an inconsistency. And the neutral having equal rights with the belligerent to decide the question, the interests of our constituents & the duty of maintaining the authority of reason, the only umpire between just nations impose on us the obligation of providing an effectual and determined opposition to a doctrine' (so injurious to peaceable nations).

"Will you give me your opinion on the above immediately, as I wish to send the paper to Mr. Gallatin? Should we not lay before Congress the act of parl. proving the British take the trade to themselves, & the order of council proving they deny it to neutrals?"

In Madison's hand on the same sheet is written :

"Although it is strictly true as here applied that reason is the sole umpire, yet as G. B. abuses the idea, in order to get rid of the instituted L. of nations, and as it may not be amiss to invite the attention of other neutrals, suppose

be enabled to give a direction to the public affairs which the will & the wisdom of the whole will approve & support.

In taking a view of the state of our country, we, in the first place, notice the late affliction of two of our cities under the fatal fever which in latter times has occasionally visited our shores. Providence in his goodness gave it an early termination

there be added after a doctrine 'as alarming to all peaceable nations as it is illegal (against all law) in itself,' or some similar expression. This however is merely for consideration. The passage as it stands has a good countenance and is made of good stuff."

Madison also drew up some notes (indorsed: "Received Nov. 24, 05, Message") as follows:

"(*a*) After 'others' the insertion of 'with commissions,' seems necessary, as others refer to the armed vessels, not to commissns.

"(*b*) Instead of 'under the controul' it may be well to insert some such phrase as 'unreached by any controul' in order not to sanction a plea agst. indemnification, drawn from an acknowledgment on our part that the enormities were uncontroullable.

"(*c*) 'As unprofitable as immoral.' Seems to be applicable to both parties. Some such substitute as the following is suggested. 'As painful on one side as immoral on the other."

"(*a*) It is suggested whether naming the ages, particularly that of 18 years may not be too specific, and perhaps incur premature objections. It might be generalized in some such manner as this, 'From the last Census it may be deduced that upwards of 300,000 able-bodied men will be found within the ages answering that character. These will give time for raising regular forces after the necessity of them shall become certain, and the reducing to the early period of life all its active service, cannot but be desirable to our younger citizens of all kinds, inasmuch as it engages to them in more advanced stages an undisturbed repose in the bosom of their families.'"

A second series of notes by Madison (indorsed "received Nov. 27, 05, Message") was:

"(*a*) 'Will become more able to regulate with effect their respective functions in these departments' instead of what is between the first ( )"

At this point Jefferson interlined this:

"Will become able to regulate with effect their respective functions in these departments. The burthen of quarantines is felt at home as well as abroad. Their efficacy merits examination. Although the health laws of the states should not at this moment be found to require a particular revisal by Congress, yet commerce claims that their attention be ever awake to them."

Madison's notes continue:

on this occasion, & lessened the number of victims which have usually fallen before it. In the course of the several visitations by this disease, it has appeared that it is strictly local, incident to cities & on the tide waters only, incommunicable in the country either by persons under the disease, or by goods carried from diseased places: that it 's access is with the autumn, and it disappears

" (*b*) Omit what is between the 2d ( )

" (*a*) The first alteration is suggested on the ground that an executive definition of the constitutional power of an Indept Branch of Govt may be liable to criticism.

" (*b*) The 2d on the ground that it takes, apparently, side with the sect of Infectionists. If ' really infected ' be struck out after vessels, & ' in a state dangerous to health ' were substituted or some other neutral phrase, the objection would be taken away.

" The pencilled words have reference to the idea & anxiety of some that the state laws should be revised."

Yet a third of Madison's notes (indorsed: " Received Nov. 28, 05. Resolns Spain ") reads:

" Resol 1. (Substitute within any part of the former Louisiana comprehend in the delivery of possession thereof to the U. S.)

" 2. (Omit)——(substitute as may consist with the honor of the U. States) this change will look less towards advances by the U. S. to *effect* the adjustment.

" 4. (Omit, as embarrassing and inefficacious).

" 5. (Quer. if not unnecessary and provided for by the succedg resol.)

" 6. (Omit, on the idea that with this specification amicable expense of adjustmt will be in fact authorized, with an apparent reference to the use of force previously authorized).

" The difficulty lies in covering an application of money to *a new purchase* of territory. As a means of adjustment it will be covered; but by a construction probably not entering into the views of Congs."

To Gallatin Jefferson had written:

" November 20, 1805.

" Th. J. to Mr. Gallatin.

" Can you be so good as to let me have the financial paragraph this morning, as there is not much more than time enough to submit the message successively to the different gentlemen for correction and then to have copies?"

" November 24, 1805.

" Th. J. to Mr. Gallatin.

" I send you the message to ask a scrupulous revisal, and as early an one as you can, because there does not remain more than time enough to submit it successively to the other gentlemen for their corrections, to make copies, &c. On reviewing what has been prepared as to Great Britain and Spain, I found it too soft towards the former compared with the latter, and that so temperate

with the early frosts. These restrictions, within narrow limits of time & space, give security, even to our maritime cities, during three fourths of the year, & to the country always. Altho' from these facts it appears unnecessary, yet, to satisfy the fears of foreign nations, & cautions on their part not to be complained of in a danger whose limits are yet unknown to them, I have strictly enjoined on the officers at the head of the customs to certify with exact truth, for every vessel sailing for a foreign port, the state of health respecting this fever which prevailed at the place from which she sailed. Under every motive from character & duty to

a notice of the greater enormity might lessen the effect which the strong language towards Spain was meant to produce at the Tuileries. I have, therefore, given more force to the strictures on Britain."

" November 26, 1805.

"Th. J. to Mr. Gallatin.

"1. The concessions to Renault. As to those in the Territory of Indiana, that country having been claimed by England at all times, conquered in the war of 1755, and confirmed to her in 1763; conquered by the United States, and confirmed to them in 1783; and all ancient titles there settled and done with by authority of the United States; these claims of Renault are certainly at an end.

"2. As to those in Louisiana; I believe it has been a law as well as invariable usage with the Spanish government in that country to consider all concessions void which were not settled within one, two, or three years, which condition was often expressed in the grant, and understood where not expressed. O'Reilly's Ordinance is evidence of this policy and practice. But independently of positive law, prescription is a law of reason: if Renault ever took possession which does not appear, he has abandoned that possession more than sixty or seventy years, as appears by Austin's statement, which is that so long ago as 1738 these mines were considered as public property.

"3. As to the concessions in 1797 to Winter and others, exclusive of the fraud and illegality so obvious on their face, they bore the express condition of becoming void if not settled in a year.

"However, the commissioners of Congress (I believe) are to report titles for the ultimate decision of Congress. Whether it would be proper for us in the mean time to express sentiments which might discourage speculations is to be considered of.

"I have been sensible the passage on the yellow fever appeared bald, for want of a practical application. The real object being to bring important facts before foreign governments, an ostensible one was necessary to cover the reality. I have endeavored at it in the enclosed, as well as some other supplements suggested by you, of which I ask your consideration. Affectionate salutations."

certify the truth, I have no doubt they have faithfully executed this injunction. Much real injury has however been sustained from a propensity to identify with this endemic, & to call by the same name, fevers of very different kinds which have always been known at all times and in almost all countries, & never have been placed among those deemed ~~infectious~~ contagious. As we advance in our knolege of this disease, as facts develop the source from which individuals receive it, the state authorities charged with the care of the public health & Congress with that of the general commerce, will become able to regulate with effect their respective functions in these departments. The burthen of quarantines is at home as well as abroad. The efficacy merits examination. Altho' the health laws of the states should be found to need no present revisal by Congress yet, commerce claims that their attention be ever awake to them.

Since our last meeting the aspect of our foreign relations has considerably changed. Our coasts have been infested, and our harbors ~~blockaded~~ watched by private armed vessels, some of them without commissions, some with legal commissions, others with those of legal form, but committing piratical acts beyond the authority of their commissions. They have captured in the very entrance of our harbors, as well as on the high seas, not only the vessels of our friends coming to trade with us, but our own also. They have carried them off under pretence of legal adjudication, but not daring to approach a court of justice, they have plundered & sunk them by the way, or in obscure places, where no evidence could arise against them, maltreating the crews, & abandoning them in boats in the open sea, or on desert shores, without food or covering. These enormities ~~not~~ appearing to be ~~under the~~ unreached by any control of their sovereigns, I found it necessary to equip a force, to cruise within our own seas, to arrest all vessels of these descriptions found hovering on our coasts, within the limits of the Gulf stream, and to bring the offenders in for trial as pirates. ~~The rumor of such an armament most of them they disappeared from our coasts, but they still carry on the same predatory practices in the neighboring seas. The subsequent disappearance has relieved the navigation on our coasts.~~

The same system of hovering on our coasts, & ~~beleaguering our~~ harbors, under color of seeking enemies, has been also carried on by public armed ships, to the great annoyance and oppression of our commerce. New principles too have been interpolated into the law of nations founded neither in justice, nor the usage or acknolegement of nations, ~~which if pursued in practice, prostrate the navigation of the neutral and make him merely subservient to the purposes of a belligerent.~~ According to these, a belligerent takes to itself a commerce with it's own enemy, which it denies to a neutral on the ground of its aiding that enemy ~~to carry on~~ in the war. But reason revolts at such an inconsistency. And the neutral having equal right with the belligerent to decide the question, the interest of our constituents and the duty of maintaining the authority of Reason, the only umpire between just nations, impose on us the obligation of providing an effectual & determined opposition to a doctrine ~~so injurious to peaceable nations,~~ injurious to the rights of peaceable nations. Indeed the confidence we ought to have in the justice of others still countenances the hope ~~we ought still to hope that the respect for justice which all people profess to entertain,~~ that a sounder view of those rights will of itself induce from every belligerent a more correct observance of them.

With Spain our negotiations for the settlement of differences have not had a satisfactory issue. Spoliations during the former war for which she had formally acknoleged herself responsible, have been refused to be compensated, but on conditions affecting other claims in no wise connected with them. ~~Similar aggressions are now renewed & multiplied both in Europe & America.~~ Yet the same practices are renewed in the present war, and are already of great amount. On the Mobile our commerce passing through that river continues to be obstructed by arbitrary duties & vexatious searches. Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to. While however the right is unsettled, we have avoided changing the state of things, by taking new coasts, or strengthening ourselves in the disputed territories in the hope that the other power would not, by a contrary conduct, oblige us to meet their example, and endanger conflicts of authority, the issue of which may not be ~~easily~~ en-

tirely controulled. But in this hope ~~too~~ we have ~~been disappointed~~: now reason to lessen our confidence. Inroads have been recently made into the territories of Orleans & the Mississippi. Our citizens have been seized and their property plundered in the very parts of the former which had been actually delivered up by Spain, ~~the imprisonment of our citizens & plundering their property~~, and ~~all~~ this by the regular officers & souldiers of that government. I have ~~obliged me~~ therefore found it necessary at length to give orders to our troops on that frontier to be in readiness to ~~give aid for the protection~~ protect our citizens, and to repel by arms any similar aggressions in future. Other ~~particulars~~ details necessary for your information of the state of things between this country & that, shall be the subject of another communication.

In reviewing these injuries from some of the belligerent powers, the moderation, the firmness & the wisdom of the legislature will all be called into action. We ought still to hope that time & a more correct estimate, of interests as well as of character, will produce the justice we are bound to expect. But should any nation deceive itself by false calculations and disappoint that expectation, we must join in the unprofitable contest, ~~as unprofitable as it is immoral~~, of trying which party can do the other the most harm. Some of these injuries may perhaps admit a peaceable remedy. Where that is competent it is always the most desirable. ~~We may suspend intercourse with nations which harass it by stem. We may tax the commerce of the wrong doers to relieve the individuals wronged. We may pass a navigation act, adapted to our position & circumstances, only avoiding to confound the just with the unjust.~~ But some of them are of a nature to be met by force only, & all of them may lead to it. I cannot therefore but recommend such preparations as circumstances call for. The first object is to place our seaport towns out of the danger of insult. ~~I have already given orders~~ Measures have been already taken for furnishing them with ~~a sufficient~~ number of heavy cannon ~~on travelling carriages~~, for the service of such land batteries as ~~may prevent armed vessels from approaching or injuring them~~ make a part of their defence against armed vessels approaching them. In aid of these ~~will be requisite~~ it is desirable we should have a competent number of gunboats: &

the number, to be competent, must be considerable. ~~Experience has proved their utility no longer doubtful: and~~ If immediately begun, they may be in readiness for service at the opening of the next season. Whether it will be necessary to augment our land forces, will ~~probably~~ be decided by occurrences probably in the course of your session. In the meantime you will consider whether it would not be expedient, for a state of peace as well as of war, so to organize or class ~~or marshall~~ the militia, as would enable us on any sudden emergency, to call for the services of the younger portions, unencumbered with the old and those ~~burthened with~~ having families. Upwards of three hundred thousand able bodied men, between the ages of eighteen & twenty-six years, which the last Census shews we may now count within our limits, will furnish a competent number for offence or defence, in any point where they may be wanted, and will give time for raising regular forces, after the necessity of them shall become certain, and the reducing to the early period of life all its active service, cannot but be desirable to our younger citizens ~~of all times~~ of the present ~~an to come~~ as well as future times, inasmuch as it engages to them in more advanced life age a quiet and undisturbed repose in the bosom of their families. I cannot then but earnestly ~~exhort you~~ recommend to ~~take under~~ your ~~earliest~~ early consideration the expediency of so modifying our militia system as, by a separation of the more active ~~from the inactive~~ part from that which is less so, we may draw from it, when necessary, an efficient corps, fit for real and active service, & to be called to it in regular rotation.

Considerable provision has been made under former authorities from Congress, of materials for the construction of ships of war of 74 guns. These materials are on hand, subject to the further will of the legislature.

An immediate prohibition of the exportation of arms & ammunition is also submitted to your determination.

Turning from these unpleasant views of violence and wrong I congratulate you on the liberation of our fellow citizens who were stranded on the coast of Tripoli & made prisoners of war. In a government bottomed on the will of all, the life & liberty of every individual citizen becomes interesting to all. In the treaty therefore which has concluded our warfare with that state an

article for the ransom of our citizens has been agreed to. ~~An operation by land, in conjunction with the ex-basha of~~ An operation by land, by a small band of our countrymen & others engaged for the occasion in conjunction with the troops of the ex-basha of that country, gallantly conducted by our late consul Eaton and their successful enterprise on the ~~important~~ city of Derne, contributed doubtless to the impression which produced peace: and the conclusion of this prevented opportunities of which the officers and men of our squadron destined for Tripoli would have availed themselves, to emulate the acts of valour exhibited by their brethren in the attack of the last year. Reflecting with high satisfaction on the distinguished bravery displayed whenever occasions permitted in the late Mediterranean service, I think it would be an useful encouragement to make an opening for some present promotion, by enlarging our peace establishment of captains and lieutenants ~~to the number of frigates which were retained for service by the act of 1801.~~

With Tunis some misunderstandings have arisen not yet sufficiently explained ~~understood here.~~ But friendly ~~explanations~~ discussions with their ambassador, recently arrived, and a mutual disposition to do whatever is just & reasonable, cannot fail of dissipating these. So that we may consider our peace on that coast, generally, to be on as sound a footing as it has been at any preceding time. Still it will not be expedient to withdraw immediately the whole of our force from that sea.

The law providing for a naval peace establishment fixes the number of frigates which shall be kept in constant service in time of peace: and prescribes that they shall be manned by not more than two-thirds of their complement of seamen & ordinary seamen. Whether a frigate may be trusted to two-thirds only of its proper complement of men must depend on the nature of the service on which she is ordered. She may sometimes for her safety so as to insure her object, require her fullest complement. In adverting to this subject Congress will perhaps consider whether the best limits on the executive discretion in this case would not be by the number of seamen which may be employed in the whole service, rather than the number of vessels. Occasions oftener arise for the employment of small rather than of

large vessels: and it would lessen risk as well as expense to be authorized to employ them of preference. The limits suggested by the number of seamen would admit a selection of vessels best adapted to the service.

Our Indian neighbors are advancing, many of them, with spirit, & others beginning to engage, in the pursuits of agriculture & household manufacture. They are becoming sensible that the earth yields subsistence with less labor & more of certainty than the forest: and find it their interest from time to time to dispose of parts of their surplus & waste lands for the means of improving those they occupy, and of subsisting their families while they are preparing their farms. Since your last session the northern tribes have sold to us the lands between the Connecticut reserve & the former Indian boundary, and those on the Ohio, from the same boundary to the Rapids, & for a considerable depth inland. The Chickasaws & Cherokees have sold us their ~~rights north of the Tennessee, from the Ohio, to the Natchez road~~ country between the two districts of and adjacent to the two districts of Tennessee, and the Creeks the residue of their lands in the fork of Ocmulgee up to the Ulcofauhatche. The three former purchases are important, inasmuch as they consolidate disjoined parts of our settled country, and render their intercourse secure: and the second particularly so, as with the small point on the river which we expect is by this time ceded by the Piankeshaws, it completes our possession of the whole of both banks of the Ohio, from its source to near it's mouth, and the navigation of that river is thereby rendered forever safe ~~in all its parts~~ to our citizens settled & settling on it's extensive waters. The purchase from the Creeks too has been for some time peculiarly interesting to the state of Georgia.

The several treaties which have been mentioned will be submitted to both houses of Congress for the exercise of their respective functions.

Deputations, now on their way to the seat of government, from various nations of Indians inhabiting the Missouri & other parts beyond the Mississippi ~~bring us~~ come charged with assurances of their satisfaction with the new relations in which they are placed with us, of their dispositions to cultivate our peace & friendship, & their desire to enter into commercial intercourse with us.

A state of our progress in exploring the principal rivers of that country, & of the information respecting them hitherto ~~received,~~ obtained will be communicated so soon as we shall receive some further ~~particulars~~ relations which we have reason shortly to expect.

The receipts at the Treasury during the year ending on the 30th day of Sep. last have exceeded the sum of thirteen millions of Dollars, which, with not quite five millions in the Treasury at the beginning of the year, have enabled us after meeting other demands, to pay nearly two millions of the debt contracted under the British treaty and convention, upwards of four millions of principal of the public debt, & four millions of Interest. These paiments, with those which had been made in three years and an half preceding, have extinguished of the funded debt nearly eighteen millions of principal.

Congress, by their act of Nov. 10, 1803, authorized us to borrow 1,750,000 Dollars towards meeting the claims of our citizens assumed by the convention, with France. We have not however made use of this authority: because the sum of four millions and an half, which remained in the Treasury on the same 30th day of Sep. last, with the receipts which we may calculate on for the ensuing year, besides paying the annual sum of eight millions of Dollars, appropriated to ~~redeem~~ the funded debt ~~as fast as the original contracts permit,~~ & meeting all the current demands which may be expected, will enable us to pay the whole sum of three millions seven hundred & fifty thousand Dollars assumed by the French convention & still leave us a surplus of nearly a million of dollars at our free disposal. Should you concur in the provisions of arms & armed vessels recommended by the circumstances of the times, this surplus will furnish the means of doing so.[1]

~~The duties composing the Mediterranean fund will cease, by the law which established them, three months after the ratification of a treaty of peace with the regency of Tripoli. The surplus~~

[1] In margin and marked in pencil "not to be copied": "Forty thousand stand of arms four hundred thousand; one hundred gunboats three hundred thousand; towards building a seventy four to supply the Philada. & Greene three hundred thousand."

already yielded by our permanent revenue renders unnecessary this addition to it. It might perhaps be thought improvident to discontinue taxes at a moment when we may want these & more for the purposes of war. But if we never discontinue taxes while there is a cloud of war visible in our horizon, all taxes will become perpetual. If war is to come upon us, we must meet it with system, into which this fragment of duty could enter for little or nothing. Whenever war supervenes, it will be the war of our constituents, which, forced on them by the injustice of other nations, we need not fear they will be wanting to their own interests & safety.

Considering however that the Mediterranean fund is levied on luxuries used chiefly by the rich, and that we have an impost on salt which falls more heavily on the poor, & especially on the farmer, I recommend to your consideration whether it would not be better to commute these duties, not materially different in amount by consolidating the Mediterranean with the general fund & suppressing instead of that the duty on salt.

On this first occasion of addressing Congress, since by the choice of my constituents, I have entered on a second term of administration, I embrace the opportunity to give this public assurance that I will exert my best endeavours to administer faithfully the executive department, & will zealously cooperate with you in every measure which may tend to secure the liberty, property & personal safety of our fellow-citizens, & to consolidate the republican forms & principles of our government.

In the course of your session you shall receive all the aid which I can give for the despatch of the public business, and all the information necessary for your deliberations, of which the interests of our own country & the confidence reposed in us by others will admit a communication.

CONFIDENTIAL MESSAGE ON SPAIN.[1] J. MSS.

Dec. 6, 1805.

To the Senate & House of Representatives of the U. S.:

The depredations which had been committed on the commerce of the U. S. during a preceding war, by persons under the authority of Spain, are sufficiently known to all. These made it a duty

[1] Transmitted to Congress with the following letter:

"SIR,—In order to give to Congress the details necessary for their full information of the state of things between Spain & the U. S. I send them the communication & documents now enclosed. Although stated to be confidential, that term is not meant to be extended to all the documents; the greater part of which are proper for the public eye. It is applied only to the message itself, & to the letters from our own & foreign ministers, which, if disclosed, might throw additional difficulties in the way of accommodation. These alone, therefore, are delivered to the legislature in confidence that they will be kept secret.

"Dec. 6th, 1805."

A paper in Jefferson's handwriting, entitled "Notes for Message" follows:

"File Dec. 2, 1805.

"As we omit in the 2d message to enumerate the aggressions of Spain & refer for them to the documents, we must furnish the documents for every Act, particularly

"1. The capture of the Huntress.
"2. The carrying our gun boats into Algerinas.
"5—3. The late depredations on our commerce in Europe. Extracts from Pinckney's letters.
"5—4. Oppressions on our commerce at Mobile.
"5—5. Delays in the evacuation of N. Orleans.
"5—6. Dissemination of rumours of the probable restoration of Louisiana to Spain.
"7. The new post taken on the bay of St. Bernard.
"8. The reinforcement of Nacogdoches.
"9. The robbery near Apelousa.
"10. That at Bayou Pierre.
"11. The Pattroles established on this side Sabine.
"5—12. The aggression on the Missisipi territory in the case of the Kempers.
"5—13. The subsequent one in the case of Flanagan and his wife.
"5—14. The negociation at Madrid.

"No. 1. 2. from the Navy department.
"7. 8. 9. 10. 11. from the War office.

to require from that government indemnifications for our injured citizens. A convention was accordingly entered into between the minister of the U. S. at Madrid & the minister of that government for foreign affairs, by which it was agreed that spoliations

"4. 5. 6. from the offices both of War and State.

"3. 12. 13. 14. from the office of State.

[Endorsed]: "President's list of documents for 1st session of Congress of 1805."

On the subject of Spain, Jefferson drew up the below paper for cabinet consideration.

"For consideration and correction. Th. J.

"1. Resolved, that no armed men, not being citizens of the United States ought to be permitted to enter or remain, nor any authority to be exercised but under the laws of the United States, within the former colony or province of Louisiana in the extent in which it was in the hands of Spain.

"2. Resolved, that as to the residue of the said 'former colony or province of Louisiana, in the extent it had when France possessed it,' a peaceable adjustment of that extent is most reasonable and desirable, so far as it can be effected consistently with the honor of the United States.

"3. Resolved, that pending measures for such peaceable adjustment, neither party ought to take new posts therein, nor to strengthen those they held before the 1st day of October, 1800, and that any proceeding to the contrary on the part of Spain ought to be opposed by force, and by taking possession of such posts as may be necessary to maintain the rights of the United States.

"4. Resolved, that the subjects of Spain still on the Mississippi and its waters ought to be allowed an innocent passage, free from all imposts, along that part of the river which passes through the territory of the United States. And the citizens of the United States on the Mobile and its waters ought to be allowed an innocent passage, free from all imposts, along that part of the river below them which passes through the territory still held by Spain, but claimed by both parties;

"Or that imposts should be levied for and by the United States on the navigation of the Mississippi by Spanish subjects, countervailing those which may be levied for and by Spain on the navigation of the Mobile by citizens of the United States.

"And that the navigation of the Mississippi by Spanish subjects should be prohibited whensoever that of the Mobile by citizens of the United States shall be prohibited.

"5. Resolved, that in support of these resolutions, and of the consequences which may proceed from them, the citizens of the United States, by their Senate and Representatives in Congress assembled, do pledge their lives and fortunes; and that the execution of these resolutions be vested with the President of the United States.

"6. Resolved, that for carrying these resolutions into effect, whether amica-

committed by Spanish subjects & carried into ports of Spain should be paid for by that nation; & that those committed by French subjects, & carried into Spanish ports should remain for further discussion. Before this Convention was returned to

bly or by the use of force, the President be authorized to apply any moneys in the Treasury of the United States not otherwise appropriated.

"7. Resolved, that the President of the United States ought to be authorized by law to employ the armed vessels of the United States which may be in commission, for restraining the irregularities and oppressions of our commerce, other than those which amount to piracy, by privateers cruising within the Gulf Stream, in the Gulf itself, or among the islands bordering on it, and that a bill be brought in for that purpose."

After consideration, he sent a revision to Gallatin, with the followiug letter:

"December 4, 1805.

"Th. J. to Mr. Gallatin.

"Enclosed is a revised edition of the Spanish resolutions, in which you will find most of your ideas conformed to. That respecting money is omitted; that it may be provided in the way you suggest. In the message, also, I have adopted all your amendments except the last, which respected merely the arrangement of the phrases, and could not be satisfactorily altered."

The enclosure was:

"1. Resolved by the Senate and House of Representatives of the United States, that the indemnities for which Spain is answerable to citizens of the United States for spoliations and wrongs committed in violation of the law of nations or of treaty, are objects too just and important not to be pursued to effect by the United States.

"2. Resolved, that no armed men, subjects of any foreign power, ought to be permitted to enter or remain, nor any authority but of the United States to be exercised, within the former colony or province of Louisiana, in the extent in which it was delivered by Spain under the Treaty of St. Ildefonso.

"3. Resolved that as to the residue of the said former colony or province of Louisiana, and provisions necessary to avoid future collisions and controversies, an equitable adjustment is most reasonable.

"4. Resolved, that pending any measures for such adjustment neither party ought to take new posts therein, nor to strengthen those they held before the 1st day of October, 1800, and that any proceeding to the contrary on the part of Spain ought to be opposed by force, and by taking possession of such posts as may be necessary to maintain the rights of the United States.

"5. Resolved &c., that the subjects of Spain still on the Mississippi and its waters ought to be allowed an innnocent paasage, free from all imposts, along that part of the river below them which passes through the territory of the United States and the citizens of the United States on the Mobile and its waters ought to be allowed an innocent passage, free from all imposts

Spain with our ratification, the transfer of Louisiana by France to the U. S. took place, an event as unexpected as disagreeable to Spain. From that moment she seemed to change her conduct & dispositions towards us. It was first manifested by her protest against the right of France to alienate Louisiana to us, which however was soon retracted, and the right confirmed. Then high offence was manifested at the act of Congress establishing a collection district on the Mobile, altho' by an authentic declaration immediately made, it was expressly confined to our acknoleged limits. And she now refused to ratify the Convention signed by her own minister under the eye of his sovereign, unless we would relinquish all consent to alterations of it's terms which would have affected our claims against her for the spoliations by French subjects carried into Spanish ports.

To obtain justice, as well as to restore friendship, I thought a special mission advisable, & accordingly appointed James Monroe, Minister Extraordinary & Plenipotentiary, to repair to Madrid, & in conjunction with our minister resident there, to endeavour to procure a ratification of the former Convention, & to come to an understanding with Spain as to the boundaries of Louisiana. It appeared at once that her policy was to reserve herself for events, & in the meantime ~~to avoid all explanations and engagements~~ to keep our differences in an undetermined state. This will be evident from the papers now communicated to you. After ~~yielding to their delays until their object could no longer be doubted~~ nearly five months of fruitless endeavor to bring them to some definite a~~ccommodation~~ and satisfactory result our ministers ended the conferences, without having been able to obtain indemnity for spoliations of any description, or any satisfaction

along that part of the river below them which passes through the territory still held by Spain, but claimed by both parties.

"6. Resolved, that a copy of these resolutions be presented to the President of the United States for his approbation, with an assurance that he will receive from the Legislature the support necessary for carrying them into execution."

Still later, on this matter, he wrote to Gallatin.

"Saturday, December 7, 1805.

"J. Randolph has just called to ask a conversation with me, for which purpose he will be with me tomorrow morning; everything therefore had better be suspended till that is over."

as to the boundaries of Louisiana, other than a declaration ~~on their part~~ that we had no rights Eastward of the Iberville, and that our line to the west was one which would have left us but a string of land on that bank of the river Mississippi. Our injured citizens were thus left without any prospect of retribution from the wrong-doer ; & as to the boundary each party was to take its own course. That which they have chosen to pursue will appear from the documents now communicated. They authorize the inference that it is their intention to advance on our possessions until they shall be repressed by an opposing force. Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided. I have barely instructed the officers stationed in the neighborhood of the aggressions to protect our citizens from violence, to patrol within the borders actually delivered to us, & not to go out of them but when necessary to repel an inroad, or to rescue a citizen or his property. And the Spanish officers remaining at New Orleans are required to depart without further delay. It ought to be noted here that since the late change in the state of affairs in Europe, Spain has ordered her cruisers & courts to respect our treaty with her.

The conduct of France, & the part she may take in the misunderstandings between the U. S. & Spain, are too important to be unconsidered. She was prompt and decided in her declarations that our demands on Spain for French spoliations carried into Spanish ports, were included in the settlement between the U. S. and France. She took at once the ground that she had acquired no right from Spain & had meant to deliver us none, Eastward of the Iberville : her silence as to the Western boundary leaving us to infer her opinion ~~in favor of our claims to the Rio Bravo : & we know that her commissary had orders to require possession to that river~~ might be against Spain in that quarter. Whatever direction she might mean to give to these differences, it does not appear that ~~is sufficient reason to believe I am satisfied~~ she has ~~not~~ contemplated their proceeding to actual rupture, or that, as the date of our last advices from Paris, her government had any suspicion of a hostile attitude Spain had taken here. On

the contrary we ~~are without a doubt~~ have reason to believe that she was disposed to effect a settlement on a plan analogous to what our ministers had proposed, & so comprehensive as to remove as far as possible the grounds of future ~~misunderstanding~~ collision & controversy on the Eastern as well as Western side of the Mississippi.

The present crisis in Europe is favorable for pressing such a settlement: & not a moment should be lost in availing ourselves of it. Should it pass unimproved, our situation would become much more difficult. Formal war is not necessary. It is not probable it will follow. But the protection of our citizen, sthe spirit and honor of our country, require that force should be interposed to a certain degree. It will probably contribute to advance the object of peace.

But the course to be pursued will require the command of means which it belongs to Congress exclusively to yield or to deny. To them I communicate every fact material for their information, & the documents necessary to enable them to judge for themselves. To their wisdom then I look for the course I am to take, and will pursue with sincere zeal that which they shall approve.

TO J. P. REIBELT. J. MSS.

WASHINGTON, Dec. 21, 05.

SIR,—During the sitting of the legislature, & especially at it's commencement it is rare that I can find a moment for my private correspondence. Hence my tardiness in acknoleging the receipt of your favors of the 3d 16th & 19th.

I had often thought on the subject you propose as to the mode of procuring German emigrants to take the place of our blacks. To this, however, the state legislatures are alone competent, the general government possessing no powers but those enumerated in

the Constitution, and that of obtaining emigrants at the general expense not being one of the enumerated powers. With respect to the state governments, I not only doubt, but despair, of their taking up this operation, till some strong pressure of circumstance shall force it on them. The same may be said as to the Merino sheep. Congress could not, by our Constitution give one dollar for all in Spain, because that kind of power has not been given them. It is probable that private exertions will transplant & spread them. I have possessed the breed several years, and have been constantly distributing them in my neighborhood. Colo. Humphreys brought over 50 from which stock he is furnishing great numbers. * * *

A BILL FOR ESTABLISHING A NAVAL MILITIA.[1]

[Dec. 1805.]

Be it enacted etc. that every free, able-bodied, white, male citizen, of the U. S. of 18. years and under 45. whose principal occupation is on the high sea, or on the tide-waters within the U.

[1] A first draft of this bill, dated Sept 2d was as follows:

"*A Bill for Establishing a Naval Militia.*

"Be it enacted etc. that every free able-bodied, white male citizen of the U. S. of the age of 18. years & under the age of 45. years, whose principal occupation is on the high sea or on the tide-waters within the U. S. shall be of the militia for the naval service of the U S. and shall be exempt from the services of the land Militia.

"The persons so to constitute the said naval militia shall be enrolled in the several ports, harbours, or towns thereto adjacent, to which they belong or are most convenient by their names, ages, places of birth & abode, & personal descriptions, with the date of their enrollment & shall be formed into companies each to be commanded by a Lieutenant to be appointed by the authority of the state to which such company belongs.

"It shall be the duty of the Lieut[t] of each port, harbour, or town thereto ad-

S. shall be of the militia for the naval service of the U. S. and shall be exempt from the services of the land militia.

The persons so to constitute the said naval militia shall be en-

jacent to enrol in a book to be kept by him for that purpose all persons who by this act are made naval militiamen, belonging to his said port or harbour, or within the limits assigned as most convenient to the same, registering in a distinct page or part of his book those of every different year of age from 45. down to 18 and whenever a person enrolled in one port of the U S. shall remove to another, the enrolling officer of the latter port shall immediately enter him on his book, noting the date & place of his former enrollment, in addition to the other circumstances before prescribed.

" In deciding on the ages of persons to be enrolled, the officer shall make up his judgment from the information of the party himself, from such other information as he can obtain & from his own inspection.

" Every person enrolled shall be entitled to receive from the officer possessing the book of enrollment, an authenticated transcript from the same of the entry respecting himself on paiment of 25 cents, & to have the same renewed on the same condition from time to time when lost or destroyed, which shall exempt him from discipline duties at the port of his former enrollment, and from the duties of the land militia; & shall be considered otherwise as instead of the certificate of citizenship heretofore given by the Collectors of the Customs; which certificates shall here-after cease to be given.

" Every enrolling officer shall, on, or immediately after the 1st day of October in every year make a return of his roll to the Secretary of the Navy of the U S. according to it's actual state as affected since the last return by age, discharge, death removal, new enrollments or otherwise.

" It shall be the duty of the sd. officers, on 6 days of every year to discipline the men under their command who may be within their limits at the time to the use of artillery or the maneuvring of gun-boats or other armed vessels assigned to the defence of their port or confided to their use and all acts of disobedience or failure in duty herein, in either officers or men, shall be liable to the same pains, penalties & coercion & to trial by a court martial consisting of three commissioned officers at least of the Naval Militia as are provided in the corresponding cases, by the laws for the government of the land Militia of the U S.

" In cases of insurrection, of opposition to the civil authority, or of sudden attack by an enemy happening in any port, harbour or town on the tide-waters, or on the coasts in their vicinities, all persons then & there being who make a part of the sd. Naval Militia, whether of the same or of any other place, shall be liable to be called on to do duty with artillery or on board any armed vessels, for the special occasion of quelling the insurrection, enforcing obedience to the civil authority or resisting the attack. And in time of war, either actual or imminent, all under [35] years of age, wheresoever they shall happen to be within the jurisdiction of the U S. shall be liable to be called on in such

rolled in the several ports or harbours, or the towns or country thereto adjacent, to which they belong or are most convenient, by their names, the dates & places of their births, their abodes &

proportion of their whole number as circumstances may require, to perform tours of duty not exceeding one year in any [two] on board of any of the public armed vessels of the US. in which the sd. militia officers, in subordination to the regular officers of the US. of equal or superior grade shall have the immediate command & care of them. And if any person so called on shall refuse or unnecessarily delay to enter on duty he shall be arrested as a deserter either by the civil or military authority, delivered to the proper military officer & either punished as a deserter or compelled to perform his tour of duty: but any person so called on may commute his personal service by tendering an able bodied free white man a citizen of the US. fit for the service in the Judgment of the officer who is to command him, and willing to engage therein. And all persons while engaged in the performance of a tour of duty, shall have the pay & rations allowed in the navy of the US. & be subject to the rules & regulations and articles provided for the government of the same."

Concerning this, and the following bills, Jefferson wrote:

"November 3, 1805.

"Th. J. to Mr. Gallatin.

"I wish for an *à peu près* of the number of seamen we call ours. I suppose the best way of estimating will be by our tonnage, including coasters, bay and river craft, and everything employed on the tide-waters. Can you assist me with the materials for such an estimate? It is of some importance for my bill for a naval militia; that and the one for the land militia I will send you for consideration as soon as you can assist me as above."

These notes of Jefferson seem to be the basis of the bills:

"November 1805.

"The best ground for estimating the number of seamen of the United States to be enrolled under the Act for establishing a naval militia is the tonnage of our vessels. The latest return of tonnage states it to have been on the 31st. of December, 1803, as follows.

		tons
Registered tonnage employed in foreign trade		585,909
In the whale-fisheries,	12,389	
Cod-fisheries,	50,969	
		63,358
In the coasting trade,		267,787
		917,054

"We are supposed to employ usually in navigating our vessels about 6 men to every 100 tons. But allowing for those who are not free white citizens within the military age, we may estimate 5 to the 100 tons. 5

45,852

personal descriptions: which enrollment shall be made by such person as the Pres. of the U. S. shall authorize in each place in a book to be kept by him for that purpose, without delay as to

To these should be added the seamen then in our navy, and those employed on the tide-waters within the United States, which we may safely state as making the whole number amount to 50,000

"An Estimate of the Land Militia of the United States.

"The census of 1800 gave us of free white males of

16 and under 26	384,554	
of 26 and under 45	423,836	
Our military age excluding those under 18, we must from the number		384,554
deduct those in their 17th and 18th years, which, by Buffon's tables, will be		80,405
Remain of the age of 18 and under 45, to wit, the minor and junior classes,		304,149

"Our census of 1790 and 1800 having showed our increase to be in a geometrical ratio of 3½ per cent. per annum, the increase from 1800 to 1805 is 54,184

leaving our whole number of free white males from 18 to 26 in 1805 358,333

From these are to be deducted the naval militia-men, but far the greater part of those employed in the foreign trade and whale-fisheries being always absent, it is believed that not half of them were included in the census. Those supposed included, then, are 35,000, of which, according to Buffon, those of 18 and under 26 will be only 11,711

leaving of free white landsmen from 18 to 26 in 1805 346,622

From these are still to be deducted those not able-bodied: suppose them 1 to 10, 34,662

leaving of free, white, able-bodied landsmen of 18 and under 26 311,960

"To find what proportions of these will be of the minor and what of the junior class, we are to inquire, of 311,960 persons of 18 and under 26 years of age, how many will there be of each different year of age? Buffon's tables resolve them as follows: As 84,589 in Buffon from 18 to 26: to 311,960 in the United States of the same age: so are 11,014 in Buffon in their 19th year: to x, the number in the United States in their 19th year; then

$x = \frac{311,960}{84,589} \times 11,014 = 3.69 \times 11,014$. Consequently those in their

those now within the descriptions of this act, and from time to time as to others, who shall hereafter become so, always registering the date of the enrolment, and placing in a distinct page or

	Buffon's Nos.	in U. S.	
19th year will be	3.69 ×	11,014 = 40,619	
20th " " "	×	10,919 = 42,267	= 120,598 of the minor class
21st " " "	×	10,768 = 39,712	
22d year will be	3.69 ×	10,675 = 39,368	
23d " " "	×	10,514 = 38,775	
24th " " "	×	10,380 = 38,281	
25th " " "	×	10,259 = 37,834	= 191,358 of the 311,956 junior class
26th " " "	×	10,060 = 37,100	
		311,956	

"To obtain the respective numbers of the middle and senior classes, the census of 1800 gave for both 423,836
Add the increase from 1800 to 1805, 75,506

499,342
from which are to be deducted seamen from 26 to 45, 23,289

476,053
deduct those also not able-bodied, suppose 1 in 10, 47,605

leaves free, white, able-bodied landsmen from 26 to 45, 428,448

"Buffon's tables make the numbers of 26 and under 35 = 84,182, and those of 35 and under 45 = 84,018. These are so nearly equal that we may consider the middle class one-half, to wit, 214,224
and the senior class one half, to wit 214,224

Recapitulation.

Naval militia,		50,000
Land militia, minor class,	120,598	
junior "	191,358	
middle "	214,224	
senior "	214,224	740,404
		790,404

On Dec. 31, 1805, Jefferson wrote to Dearborn:

"Considering that the important thing is to get the militia classes so that we may get at the young for a year's service at a time, and that training may be supplied after they are called out, I think we may give up every part of the bill which respects training & arming. Let us once get possession of the principle, & future Congresses will train & arm. In this way we get rid of all those enemies to the bill to whom different details would be objectionable. I send you the bill thus modified, & I have thrown in a few words in the clause beginning with the words 'The junior class shall be liable &c.' in order that the law may execute itself without waiting for any legislature. Will you be so good as to communicate it to General Varnum & Mr. Bidwell? The sooner the better."

part of the book those born within the limits of one & the same year of the Christian aera. And whenever a person enrolled in one part of the U S. shall remove to another, the enrolling officer of the latter port shall immediately enter his name on his book, noting the date & place of his former enrolment, in addition to the other circumstances before prescribed, and all questions between the enrolling officers of the land and Naval Militia, whether a citizen belongs really to the one or the other service, shall be decided by the Executive authority of the state.

Every person enrolled shall be entitled to receive from the officer possessing the book of enrolment an authenticated transcript from the same, of the entry respecting himself, on paiment of 25 cents, and to have the same renewed on the same condition from time to time, when lost or destroyed which shall exempt him from the duties of the land militia, & shall be considered otherwise as instead of the certificate of citizenship heretofore given by the Collectors of the Customs, which certificates shall hereafter cease to be given.

Every enrolling officer shall on or immediately after the 1st day of October in every year, make a return of his roll to the Secretary of the Navy of the U. S. according to it's actual state as affected since the last return, by age, discharge, death, removal, new enrolments or otherwise.

The ld. Naval Militia of each port & of the town & Country thereto adjacent to which they belong shall be distributed into sections, each of which sections shall consist of all those individuals born within the limits of the same year of the Christian aera, & shall be distinguished by the name of the year of their birth: and in cases of insurrection, of opposition to the civil authority or of sudden attack, either actual or imminent, in any port, harbour, or town on the tide-waters, or on the coasts or shores in their vicinities, all persons then and there being who make a part of the said militia, whether of the same or any other place, shall be liable to be called on by the President of the U S. or the person invested by him with authority for that purpose, to do duty with artillery, or on board any armed vessels, for the special occasion of quelling the insurrection, enforcing obedience to the civil authority, or resisting the attack as the case may be. Such call

shall be made on them by sections, in the numbers which the exigency may require by regular rotation in the numerical order of the years of their birth, and for a term not exceeding months: & non-residents shall always make a part of the section of the respective year of their birth.

The said Sections when called into service, shall be organized & officered by the state authority, suitably to the service they shall be called to, whether with Artillery or on board any armed vessels, and while engaged in the performance of a tour of duty shall have the pay & rations allowed in the navy of the U S. and be subject to the rules, regulations, & articles provided for the Government of the same.

AN ACT FOR CLASSING THE MILITIA AND ASSIGNING TO EACH CLASS ITS PARTICULAR DUTIES.

Be it enacted, &c., That every free, able-bodied white male citizen of the United States of the age of 18 years and under the age of 45, whose principal occupation is not on the high sea or the tide-waters within the United States, shall be of the militia for the land service of the United States.

Enrolement. The persons so to constitute the land militia shall be enrolled by their names and ages and their proper districts, and in books to be kept for that purpose; such enrolement to be made without delay of those now within the description, and from time to time as to others who shall hereafter become so, always noting the date of the enrolement, and placing in a distinct page or part of the book those of every different year of age, from 45 down to 18. In deciding on the ages of the persons to be enrolled, the officer shall make up his judgment from the information of the party himself, and from such other information as he can obtain, and where this is not satisfactory, then from his own inspection.

Classification. The said militia shall be distributed into classes as follows, to wit: the junior class shall be composed of those above 21 and under 26 years of age; the middle class of those above 26 and under 35 years of age; the senior class of those

above 35 and under 45 years of age; and those above 18 and under 21 years of age shall compose the minor class.

Their training. The junior and minor classes shall each have their separate captains and other inferior officers, those for the juniors being selected with a view to actual service, and shall be strictly trained to the exercises and manœuvres of a soldier, either of artillery, infantry, or cavalry, as may be lawfully designated; for which purpose they shall be mustered and trained one whole day in every month of the year, two of which musters shall be in battalion and the others in companies. The captains of the said two classes, with the general and field officers having command over them, shall form a district court-martial for the rigorous enforcement of the duties of attendance and training. Each person of the said junior class shall be furnished with a good musket, bayonet, and cartridge-box at the public expense, so soon as they can be provided, which, except where he shall be of the cavalry or artillery, he shall be bound to produce in good order at every muster of which he shall be, so long as he shall be under the age of 45 years, after which it shall be his property.

Where, at the passing of this Act, any members of the militia shall be in the possession of such arms provided by his State or Territory, or by himself, the same shall be reviewed and valued by some person appointed on the part of the United States and if found in perfect order and of proper calibre, they shall be paid for by the United States if such be the choice of the party furnishing them, and shall thereafter be in the hands of the holder as the property of the United States, under the same trust and right as if they had been originally furnished him by the United States.

The middle class shall in like manner be formed into companies by themselves, to be commanded by their own captains and other inferior officers; they shall be mustered and trained twice only in the year in companies, and once in battalion. The senior class, in distinct companies also, and under its own captains and other inferior officers, shall be mustered and trained one day in the year only in companies, and one in battalion; and both the middle and senior classes shall be under the jurisdiction of their captains, formed into one and the same court-martial, with the general and field officers having command over them.

Actual service. The junior class shall be liable to perform all active military service within the United States, or the countries {next adjacent / in their vicinity} by tours of duty not to exceed one year in any two; and in order that the said services may be required of them equally, those of every {company / battalion} shall be divided by lot into ten parts or portions, as nearly equal as may be, each portion to be distinguished by its particular number, from 1 to 10 and to be called into duty in the order of their numbers, such call extending to so many numbers as the exigency may require; and every person so called on may be assigned to the service of the artillery, infantry, cavalry, or of any other description as the competent authority shall direct.

The middle class shall be liable to be called on to do duty within their State only, or in one of the adjoining States; and that by tours not exceeding three months in any year; for which purpose they shall be distributed into portions and numbers, and called on in routine, as is provided in the case of the junior class.

The senior and minor classes shall be liable to be called on to do duty within their own State only, and by tours not exceeding three months in any year; and they shall be separately distributed into portions and numbers, and called on in routine as provided for the other classes.

Exemptions from militia duty shall only extend to the ordinary duties of mustering and training after having entered the middle or senior class. Such exempts shall nevertheless be enrolled in their classes and numbers, and, when called on for actual military service, shall be bound as others are to perform their due tours.

If any person called on to do the actual duties of his class shall refuse or unnecessarily delay to enter on duty, he shall be arrested as a deserter either by the civil or military authority, shall be delivered by the proper military officer, and either punished as a deserter, or compelled to perform his tour of duty; but any person so called on may commute his personal services by tendering as a substitute an able-bodied free white man fit for the service in

the judgment of the officer who is to conmand him, and willing to engage therein. And all persons while engaged in the performance of a tour of duty shall have the pay and rations allowed in the army of the United States, and be subject to the rules, regulations, and articles provided for the government of the same.

All provisions in any law of the United States, or of any particular State or Territory, inconsistent with those of this Act, are hereby repealed; and all provisions in the laws of the United States, or of any particular State or Territory, not inconsistent herewith, shall be understood to be left in force, and liable to alteration by their respective enacting authorities.

TO URIAH TRACY.[1]

J. MSS.

Jan., 1806.

SIR,—I have received your letter of Dec. 31 wherein on behalf of a committee of the Senate charged to inquire concerning the characters and qualifications of Peter Walsh, Joseph Deville Bellechasse & others for the offices to which they are nominated you desire 'that I will cause to be laid before them the proper information on the subject.'

It is with real pain that I feel a difficulty in complying with the desires of a committee for whom I have the most unqualified respect. My nominations are sometimes made on my own knolege of the persons; sometimes on the information of others given either voluntarily, or at my request & in personal confidence to me. This I could not communicate without a breach of confidence, not I am sure, under the contemplation of the committee. They are sensible the Constitution has made it my duty to nominate; and has not made it my duty to lay before them the evidences or reasons whereon my nominations are founded: & of the correctness of this opinion the established usage in the intercourse between the Senate & President is a proof. During nearly the whole of the time this Constitution has been in operation I have been in situations of intimacy with this part of it & may observe from my own knolege that it has

[1] Endorsed: "(Not sent)."

not been the usage for the President to lay before the Senate or a committee, the information on which he makes his nominations. In a single instance lately, I did make a communication of papers, but there were circumstances so peculiar in that case as to distinguish it from all others.

To this I must further add that a just solicitude to cover from all hazard that cordial good will which it is so vitally interesting to our country should ever subsist between its highest functionaries has led the two houses, as far as can be collected from their practice, to reserve to their own discretion alone to decide what official applications on their part shall be made to the President directly. It does not appear that that authority has been yielded to a committee.

TO THE SECRETARY AT WAR. J. MSS.

(HENRY A. DEARBORN.)

Jan. 6, 1806.

DEAR SIR,—Colo. Hawkins has just put into my hands the papers respecting the claim of the Creek nation on behalf of Emantlau Thlucco, from whom two horses were stolen within the Indian limits by Harris & Allen citizens of the U. S., the former of whom has fled out of the U. S. leaving no property & the other is dead insolvent: he communicated to me also the Attorney general's opinion on the case. This case being of importance as a precedent, I have considered it maturely under the law, the treaty & the principles which prevail between independent nations; the Creeks being in law as well as in fact an independent nation.

The opinion of the Atty Genl is unquestionable, considering the case as it relates to the offending individuals. The laws have reserved to all our citizens, charged within our jurisdiction with any crime or misdemeanor wheresoever committed, a right of being tried by a jury, before a court of competent authority, before they can be punished. Whether prosecuted capitally, or for the penalty of double value, the sentence of a court could alone subject them to evil. Accordingly the 15th § of the act of Congress provides explicitly how, where the offender may be

tried, convicted & punished, and evidently confines its views to the proceedings against the citizen solely. But when death, flight, insolvency, or other accident puts the offender out of the way, it then becomes a question between nation & nation, between whom the municipal laws of evidence of either can have no bearing on the other. The same law therefore in it's 4th § only declares that *if the offender be unable to pay* for the property he has taken from an Indian, the U. S. shall pay, without saying where the fact shall be tried or on what evidence ; and in it's 14th § enacts that if an Indian shall take property within our limits, the superintendent being furnished with *the necessary documents & proofs*, shall demand satisfaction from the Indian nation, without specifying that these must be such documents & proofs as would be required by our municipal law, to which the Indian nation is not at all subject. The proofs then of course are to be such as are usually resorted to between nation & nation, that is to say public documents, depositions, affidavits, certificates, letters, parol evidence, or even common report. All of these are freely adduced between nations, each of them is weighed in the scales of reason & experience, and according to the aggregate impression they make on the common sense of mankind, they are estimated in determining the belief or disbelief of the fact. Neither party thinks of calling the other to a trial of the fact in a court of its own, where it would be both party and judge. The constitutional organs for foreign relations of the two nations composed jointly the competent tribunal. The instruction therefore given originally by a preceding executive to the agent for Indian affairs, appears to have been well weighed when it directs him to ascertain, *by the best evidence in his power*, the value of the property taken : and of course authorizes him to receive, as well the testimony of Red men, given in what they deem the most solemn manner, as such other evidence as can be obtained, and may be of any weight in the common judgment of mankind towards producing a belief or disbelief of the fact in question. This is the only practical construction which can be given of the act of Congress, which never could be carried into execution in this part if a strict conformity with our municipal laws were requisite, because such evidence as is required by our courts of justice between citizen and citizen could never be

had in the cases now under consideration. The law therefore, wisely and justly, avoids specifying the evidence, and leaves the fact to be settled agreeably to the usage of nations. Here then the Creeks affirm that property has been taken from one of their nation, that this cannot be recovered in our courts of justice by the individual injured because one offender is dead, the other fled & no property of either existing; & the law says, *if the offender is unable*, paiment *shall be* made out of the Treasury of the U. S. The Superintendent therefore, according to his instructions, is 'to ascertain the fact affirmed by the Creeks, *by the best evidence in his power*, and make report of the same & of the case to the Department of War that justice may be done.' I do not see any cause for changing the course of proceeding so established, but on the contrary I believe it to be right & lawful & that it ought to be pursued in this instance.

TO WILLIAM A. BURWELL. J. MSS.

WASHINGTON, Jan. 15 1806.

DEAR SIR,—Your favor of Dec. 26th was duly received, as also the correspondence therein referred to. Mr. Coles delivered me to-day your request of a copy of the Parl. manual for yourself, and another for the speaker. I therefore send one to each of you in separate packages by this post. You will have seen an account in all the papers (with so many details, as to make one forget for a moment that they never utter a truth) of our affairs being entirely made up with Spain. There is not one word of truth in it, if we may judge from Mr. Pinckney's silence in a letter dated the day before he left Madrid. I may say further, it is impossible it should be true. Congress are not unanimous in the Spanish business. They act in it however by a strong majority. When our affairs

with England come on there will be much greater & more irreconcilable differences of opinion. The classification of the militia has been reported against by a committee. But if any judgment can be formed from individual conversations it will be established. If it is, we need never raise a regular *in expectation of war*. A militia of young men will hold on until regulars can be raised, & will be the nursery which will furnish them. I had rather have that classification established, than any number of regulars which could be voted at this time. We are told you are to come to Congress. In the meantime your berth here stands in statu quo. I shall always be glad to hear from you and to give you every assurance of my constant affection. Accept with it that of my respect & esteem.

SPECIAL MESSAGE ON NEUTRAL COMMERCE.

January 17, 1806.

To the Senate and House of Representatives of the United States :—

In my message to both houses of Congress at the opening of their present session, I submitted to their attention, among other subjects, the oppression of our commerce and navigation by the irregular practices of armed vessels, public and private, and by the introduction of new principles, derogatory of the rights of neutrals, and unacknowledged by the usage of nations.

The memorials of several bodies of merchants of the United States are now communicated, and will develop these principles and practices which are producing the most ruinous effects on our lawful commerce and navigation.

The rights of a neutral to carry on a commercial intercourse with every part of the dominions of a belligerent, permitted by the laws of the country (with the exception of blockaded ports

and contraband of war), was believed to have been decided between Great Britain and the United States by the sentence of the commissioners mutually appointed to decide on that and other questions of difference between the two nations, and by the actual payment of damages awarded by them against Great Britain for the infractions of that right. When, therefore, it was perceived that the same principle was revived with others more novel, and extending the injury, instructions were given to the minister plenipotentiary of the United States at the court of London, and remonstrances duly made by him on this subject, as will appear by documents transmitted herewith. These were followed by a partial and temporary suspension only, without any disavowal of the principle. He has therefore been instructed to urge this subject anew, to bring it more fully to the bar of reason, and to insist on the rights too evident and too important to be surrendered. In the meantime, the evil is proceeding under adjudications founded on the principle which is denied. Under these circumstances the subject presents itself for the consideration of Congress.

On the impressment of our seamen our remonstrances have never been intermitted. A hope existed at one moment of an arrangement which might have been submitted to, but it soon passed away, and the practice, though relaxed at times in the distant seas, has been constantly pursued in those in our neighborhood. The grounds on which the reclamations on this subject have been urged, will appear in an extract from instructions to our minister at London now communicated.

TO JAMES OGILVIE. J. MSS.

WASHINGTON, Jan. 31, 06.

DEAR SIR,—Your favor of the 26th came to hand yesterday. I had understood that Mr. Randolph had directed that you should have the free use of the library at Monticello, or I should have directed it my-

self. I have great pleasure in finding an opportunity of making it useful to you. The key is at present in the hands of Mr. Dinsmore, at the place, who on sight of this letter will consider you as at all times authorized to have access to the library & to take from it any books you please. I will only ask the favor of you to keep a piece of paper on one of the tables of the room, & to note on it the books you have occasion to take out, and to blot it out when returned. The object in this is that should I want a book at any time when at home, I may know where it is. The arrangement is as follows: 1. Antient history. 2. Modern do. 3. Physics. 4. Nat. Hist. proper. 5. Technical arts. 6. Ethics. 7. Jurisprudence. 8. Mathematics. 9. Gardening, architecture, sculpture, painting, music, poetry. 10. Oratory. 11. Criticism. 12. Polygraphical. You will find this on a paper nailed up somewhere in the library. The arrangement begins behind the partition door leading out of the Bookroom into the Cabinet, & proceeds from left to right round the room; Then entering the Cabinet it begins at the eastern angle, & goes round that room. The presses not having sufficed to contain the whole, the latter part of polygraphics was put into the kind of closet at the first entrance of the book-room. As after using a book, you may be at a loss in returning it to it's exact place, & they cannot be found again when misplaced, it will be better to leave them on a table in the room. My familiarity with their places will enable me to replace them readily. I hope in April

the pleasure of seeing you there. In the meantime accept my friendly salutations & assurances of great esteem & respect.

TO C. F. COMTE DE VOLNEY. J. MSS.

WASHINGTON, Feb. 11, 1806.

DEAR SIR,—Since mine of Feb. 18 of the last year, I have received yours of July 2. I have been constantly looking out for an opportunity of sending your Polygraph; but the blockade of Havre has cut off that resource, and I have feared to send it to a port from which there would be only land carriage. A safe conveyance now offering to Nantes, & under the particular care of Mr. Skipwith, who is returning to France, he will take care of it from Nantes by land if an easy carriage is found, or if not, then by the canal of Briare. Another year's constant use of a similar one attaches me more and more to it as a most valuable convenience. I send you also a pamphlet published here against the English doctrine which denies to neutrals a trade in war not open to them in peace in which you will find it pulverized by a logic not to be controverted.

Our last news of Captn Lewis was that he had reached the upper part of the Missouri, & had taken horses to cross the Highlands to the Columbia river. He passed the last winter among the Manians 1610 miles above the mouth of the river. So far he had delineated it with as great accuracy as will probably be ever applied to it, as his courses & distances by

mensuration were corrected by almost daily observations of latitude and longitude. With his map he sent us specimens or information of the following animals not before known to the northern continent of America. 1. The horns of what is perhaps a species of Ovis Ammon. 2. A new variety of the deer having a black tail. 3. An antelope. 4. The badger, not before known out of Europe. 5. A new species of marmotte. 6. A white weasel. 7. The magpie. 8. The Prairie hen, said to resemble the Guinea hen (peintade). 9. A prickly lizard. To these are added a considerable collection of minerals, not yet analyzed. He wintered in Lat. 47° 20′ and found the maximum of cold 43° below the zero of Fahrenheit. We expect he has reached the Pacific, and is now wintering on the head of the Missouri, and will be here next autumn. Having been disappointed in our view of sending an exploring party up the Red river the last year, they were sent up the Washita, as far as the hot springs, under the direction of Mr. Dunbar. He found the temperature of the springs 150° of Fahrenheit & the water perfectly potable when cooled. We obtain also the geography of that river, so far with perfect accuracy. Our party is just at this time setting out from Natchez to ascend the Red river. These expeditions are so laborious, & hazardous, that men of science, used to the temperature & inactivity of their closet, cannot be induced to undertake them. They are headed therefore by persons qualified expressly to give us the geography of the rivers with perfect

accuracy, and of good common knolege and observation in the animal, vegetable & mineral departments. When the route shall be once open and known, scientific men will undertake, & verify & class it's subjects. Our emigration to the western country from these states the last year is estimated at about 100,000. I conjecture that about one-half the number of our increase will emigrate westwardly annually. A newspaper paragraph tells me, with some details, that the society of agriculture of Paris had thought a mouldboard of my construction worthy their notice & Mr. Dupont confirms it in a letter, but not specifying anything particular. I send him a model with an advantageous change in the form, in which however the principle is rigorously the same. I mention this to you lest he should have left France for America, and I notice it no otherwise lest there should have been any error in the information. Present my respectful salutations to Doctr. Cabanis & accept them yourself with assurances of my constant friendship & attachment.

TO THE MARQUIS DE LAFAYETTE. J. MSS.

WASHINGTON, Feb. 14, 06.

MY DEAR FRIEND,—Your letters of 1805 which I have to acknolege are of Apr. 22 & June 4, the last delivered by M de Lessert a week ago. In your preceding ones of 1804 the reason assigned for your not venturing across the ocean was certainly weighty, as a capture by the English would have been a very

serious misfortune. Your presence at New Orleans would give security to our government there, but in the present state of things it is not certain you could give us your service there, for it seems very uncertain which of the two powers of Spain or England, by commencing hostilities against us first will force us into the scale of the other. If the former commences first, and it seems most imminent, you probably could take no part. As, before the receipt of your powers on the subject of your lands, I had ordered a survey of the vacant parcel adjoining to New Orleans, I have continued to press that part of the location, because it is under a peculiar difficulty. The law requires your locations to be in parcels of not less than 1000 acres each. The survey sent to me made but 6. or 700 as. I have requested Govr. Claiborne, either by including part of the lake or by some other device to have it made up 1000 as. in which case I can immediately sign a grant. It will be some time before I shall receive his answer. Mr. Madison has appointed M. Duplantier to make the other locations, for which no person is better qualified or better disposed. I inclose a letter for M. Tracy, making him my acknolegements for the very acceptable present he was so good as to make me of his two works. For details of our affairs it is safer to refer you to Mr. Skipwith the bearer of this. Present my friendly respects to Me. De Lafayette, M. & Me. De Tessy, & accept assurances of my constant & affectionate friendship & respect.

TO THE U. S. MINISTER TO FRANCE. J. MSS.
(JOHN ARMSTRONG.)

WASHINGTON, Feb. 14, 1806.

DEAR SIR,—Mr. Skipwith will inform you what a terrible tempest has been excited against you by an opinion said to have been given by you in the case of the New Jersey & a letter of yours on that subject published in the papers. The body of merchants & insurers of New York have presented an address, the object of which tho' not expressed, cannot be mistaken, & it is expected their example will be followed by the other cities making common cause. I inclose you the answer of N. York, from which you will perceive the expediency on your own account as well as the public, to send a statement of the case, the points on which it is decided, and how your opinion happened to be given in that stage of the business, with documents to establish such facts as are not known. The hope is further, that in the business confided to you by this conveyance you may be able to obtain a success which may place you where you wish to be in the public favor. There are several circumstances at this time which you may so use as to produce favorable dispositions in the party with which you are to negotiate. 1. The law prohibiting intercourse with St. Domingo, which could not of right be demanded from us. 2. A second law to render the first more effectual in the main point by prohibiting the exportation of military stores to any part of America. These two laws will be passed in time to go by this conveyance. 3. The measures which will be explained to you for procuring a solid establishment of neutral rights. 4. Measures which will be taken to exclude British commerce from the U. S. in a great degree. 5. An effective navigation act. We cannot yet say what will be the precise form of the two last; but they will unquestionably be effectual. Considering the accidents which may happen to this by the way, it is not signed. That is unnecessary for your information that it comes from one whose friendship & respect to you are real.

TO JOSEPH HAMILTON DAVEISS.[1]

WASHINGTON, Feb. 15, '06.

SIR,—Your letter of January 10. came safely to hand a week ago. According to your permission it has been communicated to Mr. Madison, and Mr. Gallatin. I have also communicated it to General Dearborn, because one of the persons named by you is particularly under his observation; so far as it was necessary and not further, I will be responsible for its secrecy. The information is so important that it is my duty to request a full communication of everything known or heard by you relating to it, and particularly of the names of all persons whether engaged in the combination, or witnesses to any part of it. At the same time I pledge myself to you that it shall be known no further than it now is, until it shall become necessary to place them in the hands of the law; and that even then no unnecessary communication shall be made of the channel through which we received our information.

You will be sensible that the names are peculiarly important to prevent a misplacing of our confidence either in the investigation of this subject particularly, or in the general trust of public affairs. In hopes of hearing from you without delay, I pray you to accept my salutations and assurances of great respect.

TO JOEL BARLOW. J. MSS.

Feb. 24, 06.

I return you the draft of the bill for the establishment of a National Academy & University at the city of Washington, with such alterations as we talked over the last night. They are chiefly verbal. I have often wished we could have a Philosophical society or academy so organized as that while the central academy should be at the seat of goverment, it's members dispersed over the states, should constitute filiated

[1] From Daveiss' *View of the President's Conduct*, Frankfort, 1806, p. 15.

academies in each state, publish their communications, from which the central academy should select unpublished what should be most choice. In this way all the members wheresoever dispersed might be brought into action, and an useful emulation might arise between the filiated societies. Perhaps the great societies now existing might incorporate themselves in this way with the National one. But time does not allow me to pursue this idea, nor perhaps had we time at all to get it into the present bill. I procured an Agricultural society to be established (voluntarily) on this plan, but it has done nothing. Friendly salutations.

CIRCULAR TO CABINET ON DEFENCE OF NEW ORLEANS. J.MSS.

Feb. 28, 06.

What would you think of raising a force [illegible] defence of New Orleans in this manner?[1] Give a bounty of 50 acres of land, to be delivered immediately, to every able-bodied man

[1] The following papers presumably relate to this matter:

"Sketches of parts of a bill for encouraging settlers in the territory of Orleans.

"It shall be lawful for the Pr. of the U. S. to grant in fee simple a bounty of one quarter section of 160 a of any lands of the U. S. on the Western side of the Missisipi in the territory of Orleans when the same shall have been surveyed to every free able-bodied white male citizen of the U. S. who shall actually settle on the same in person within a time not exceeding one year to be prescribed by the Pr. U. S. who shall continue to reside on the same for the space of 7 years the next ensuing if he so long lives and who shall engage that if called on within the same term of 7 years he will render two years of military service as a regular souldier of the U. S. within the territory of Orleans or Misipi. or in the countries on their southern and western borders and on the regular conditions & emolumnts. of the regular souldiers of the U. S. Provided that the number of lots to be so granted shall not exceed [ ] thousand and provided also that on failure of any individual to perform substantially the conditions aforesaid his grant shall be forfeited.

It shall be the duty of the Surveyor General of lands of that territory to proceed forthwith to lay off such parts of the same as the Pr. U. S. shall direct into

who will immediately settle on it, & hold himself in readiness to perform 2 years military service (on the usual pay) if called on within the first seven years of his residence. The lands to be chosen by himself of any of those in the Orleans territory, on the west side of the Mississippi, actually surveyed & unsold, each to have his choice in the order of their arrival on the spot, a proclamation to be issued to this effect to engage as many as will go on & present themselves to the officer there; & moreover recruiting officers to be sent into different parts of the union to raise and

townships, and every other township alternately into sections & quarter sections; and every person entitled as aforesaid shall be free to chuse any one of the sd. quarter sections for his bounty as aforesaid to be granted to himself and to be in his immediate possession such choice to be made by the said persons in the order in which they shall have personally presented themselves at the office of the Surveyor Genl. on their arrival in the sd. territory, of which an entry shall be made and a certificate given to the party specifying the particular number which his entry bears in the numerical order from the first to the last presentment.

It shall be lawful for the Pr. U. S. to employ proper persons in different parts of the U. S. to engage settlers as aforesaid and after they shall be inspected & received by the proper officer app^{d} for ye purpose the same to conduct to the sd. territory of Orleans at the public expence & on such allowance as is usually made for conducting the regular troops of the U. S. And to grant a premium to the persons so employed in engaging & conducting the same at the rate of one section of 640 acres of lands for every 100 men actually passed by the Inspector and entered at the Office of the Surveyor General.

And be it further enacted &c that there shall be granted a bounty of one quarter section containing 160 acres of any lands of the U. S. on the western side of the Missisipi in the territory of Orleans, in fee simple, to each of the said volunteers, being a free able bodied white male citizen, of some one of the *States* of the Union, of the age of 18 and under that of 35 years and accepted as such by an officer to be appointed for that purpose, who in addition to his engagement as a Volunteer shall undertake to settle on the said lands in person, within a term of months not exceeding twelve, to be prescribed by the President of the U. S. & shall actually settle and continue to reside thereon for the space of seven years then next ensuing, if so long he shall live, on the condition of forfeiture if he shall fail so to do. And every person so engaging shall be free to locate any quarter section not already located, of the said lands surveyed or to be surveyed, for his bounty aforesaid, to be granted to himself, & to be in his immediate occupation; such location to be made by the said persons in the order in which they shall have personally presented themselves at the office of the surveyor on their arrival in the sd. territory; of which an entry shall be made and a certificate given to the party specifying the particular number which

conduct settlers at the public expense. When settled there, to be well trained as a militia by officers living among them.

A similar provision for Tombigbee.

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

Mar. 5, 1806.

I think the several modifications in Mr. Gallatin's paper may be reduced to simple instructions in some such form as follows:

The sum to be paid will consist I. of 2 millions ready money.

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his entry bears in the numerical order from the first to the last of those presented."

"Notes on the Bill for the defence of Orleans.

A. §. 1. l. 10 two millions of acres will only provide for 6250 men if the alternate quarter sections be reserved. We ought to have 30,000 men at least there. That territory will never be invaded by an army of less than 15, or 20,000 men.

B. §. 2. l. 3. 4. δ 'other than those of surveying expences & office fees' many a man can carry an *able body* there (which is all we want) who could not carry surveying expences.

C. §. 2. l. 6. 7. 8. δ 'and who was not &c — to Missisipi' and instead thereof line 5, after 'citizen' insert 'of some one.' We should not weaken any of the territories; nor should we tempt the Creoles of Louisiana to remove to the lower government. They would strengthen the wrong party.

D. §. 2. l. 13. δ 'and &c' — to the end of the section. I suggest this on the advice of others who say that the bug bear of military tenure will defeat the bill. If so let us have the men as mere militia, which they will be of course, without saying anything about it. I am doubtful.

E. §. 3. had not the whole of this section better be omitted. The people will certainly build themselves houses to live in & clear lands to make bread if they *actually reside* there. Unnecessary restrictions and forfeitures have a discouraging aspect.

§. 5. δ the Proviso l. 11. this depends on amendment D.

F. §. 6. the utility of this section should be well considered. To permit a transfer to an able bodied man will often strengthen the settlement & in no case can weaken it. Interchanges which might gratify and benefit both parties would always be innocent.

§. 7. l. 2. δ 'the military services or' l. 15. δ 'in case &c' — to 'on his part' l. 23 } these depend on amendment D.

§. 12. l. 5. δ 'such applicant &c' —— to 'lands' l. 11. a consequence of amendment B."

II. of a residuary sum, not exceeding 3 millions, to be paid afterwards as shall be agreed.

I. The ready money (as a 1st proposition) not to be paid till possession of the whole country ceded is delivered & evacuated.

But, in ultimato, to be paid on putting into our hands orders for an absolute delivery of the government to us, on sight of the order, an evacuation of the country by all troops in the same instant & the departure of all officers & agents within 3 months after.

II. The residuary sum to be a fund for paying claimants under the convention; either to be settled by a commission, in which case any surplus will belong to Spain & any defect be supplied by her; or, which would be far preferable, that residuum to be left with us for the sufferers, we exonerating Spain from all further demands on their part.

But, in ultimato, the residuary sum to be paid to Spain by bills on the Treasury in annual instalments, if that can be obtained, or by stock to be created, if insisted on: & a fixed sum of 2, 3, or 4 millions to be immediately paid by colonial bills to the U. S. who, on receipt of the money, exonerates Spain from all further demands from the claimants under the Convention.

If the sum to be allowed by Spain for spoliations, be retained by us out of the residuary price, & be less than that residuum, the difference to be paid to her by bills on our Treasury at the end of one year.

Perhaps the above ideas may aid you in framing your instructions. They are hazarded with that view only.

TO JAMES MONROE.

WASHINGTON, Mar. 18, 1806.

The 1st of Mr. Nicholson's resolutions was decided yesterday affirmatively by 87 republs against 9 republs & 26 feds. Had all been present it would have been 104 do against 11 do,—and 27 do, the latter number comprehending every Federalist in the

House. Mr. R. withdrew before the question was put. This is considered as a decision of the main question. When they come to details the votes will vary ad libitum. I have never seen a H. of Representatives more solidly united in doing what they believed to be the best for the public interest. There can be no better proof than the fact that so eminent a leader should at once & almost unanimously be abandoned. Health & affection.

P. S. On further inquiry I find that all Nicholson's resolutions were passed yesterday, were reported & confirmed by the House, & referred to a Commee to bring in a bill. It will be during the progress of the bill that the details will be discussed. Do not wonder if a third person be added to your commission.

SPECIAL MESSAGE ON SPANISH BOUNDARIES.[1] J. MSS.

March 20, 1806.

To the Senate and House of Representatives of the United States :—

It was reasonably expected, that while the limits between the territories of the United States and of Spain were unsettled,

[1] The following undated resolutions, drafted by Jefferson, belong to this period :

Resolutions

1. Resolved by the Senate & H. of R. of the U. S. of A. that the indemnities for which Spain is answerable to citizens of the U. S. for spoliations and wrongs committed in violation of the law of nations or of treaty, are objects too just and important not to be pursued to effect by the U. S.

2. Resolved that no armed men, subjects of any foreign power, ought to be permitted to enter or remain, nor any authority but the U. S to be exercised within the former colony or province of Louisiana, in the extent in which it was delivered by Spain under the treaty of St. Ildefonso.

3. Resolved that as to the residue of the sd. former colony or province of

neither party would have innovated on the existing state of their respective positions. Some time since, however, we learned that the Spanish authorities were advancing into the disputed country to occupy new posts and make new settlements. Unwilling to take any measures which might preclude a peaceable accommodation of differences, the officers of the United States were ordered to confine themselves within the country on this side of the Sabine river; which, by the delivery of its principal post (Natchitoches), was understood to have been itself delivered up by Spain; and at the same time to permit no adverse post to be taken, nor armed men to remain within it. In consequence of these orders, the commanding officer of Natchitoches, learning that a party of Spanish troops had crossed the Sabine river and were posting themselves on this side the Adais, sent a detachment of his force to require them to withdraw to the other side of the Sabine, which they accordingly did.

I have thought it proper to communicate to Congress the letters detailing this incident, that they may fully understand the state of things in that quarter, and be enabled to make such provision for its security as in their wisdom they shall deem sufficient.

Louisiana, and provisions necessary to avoid future collisions and controversies, an equitable adjustment is most reasonable.

4. Resolved that pending any measures for such adjustment neither party ought to take new posts therein, nor to strengthen those they held before the 1st day of October 1800. And that any proceeding to the contrary on the part of Spain ought to be opposed by force and by taking possession of such posts as may be necessary to maintain the rights of the U. S.

5. Resolved &c. that the subjects of Spain still on the Mississippi and its waters, ought to be allowed an innocent passage, free from all imposts, along that part of the river below them which passes through the territory of the U. S.: and the citizens of the U. S. on the Mobile and its waters ought to be allowed an innocent passage free from all imposts, along that part of the river below them, which passes through the territory still held by Spain, but claimed by both parties.

6. Resolved that a copy of these resolutions be presented to the President of the U. S. for his approbation, with an assurance that he will receive from the legislature the support necessary for carrying them into execution.

TO WILLIAM DUANE. J. MSS.

WASHINGTON, March 22, 06.

I thank you, my good Sir, cordially, for your letter of the 12, which however I did not receive till the 20th. It is a proof of sincerity, which I value above all things; as, between those who practise it, falsehood & malice work their efforts in vain. There is an enemy somewhere endeavoring to sow discord among us. Instead of listening first, then doubting, & lastly believing anile tales handed round without an atom of evidence, if my friends will address themselves to me directly, as you have done, they shall be informed with frankness and thankfulness. There is not a truth on earth which I fear or would disguise. But secret slanders cannot be disarmed, because they are secret. Although you desire no answer, I shall give you one to those articles admitting a short answer, reserving those which require more explanation than the compass of a letter admits, to conversation on your arrival here. And as I write this for your personal satisfaction, I rely that my letter will, under no circumstances, be communicated to any mortal, because you well know how every syllable from me is distorted by the ingenuity of my political enemies.

In the 1st place, then, I have had less communication, directly or indirectly, with the republicans of the east, this session, than I ever had before. This has proceeded from accidental circumstances, not from design. And if there be any coolness between those of the south & myself, it has not been from me towards them. Certainly there has been no other reserve

than to avoid taking part in the divisions among our friends. That Mr. R. has openly attacked the administration is sufficiently known. We were not disposed to join in league with Britain, under any belief that she is fighting for the liberties of mankind, & to enter into war with Spain, & consequently France. The H. of Repr. were in the same sentiment, when they rejected Mr. R.'s resolutions for raising a body of regular troops for the Western service. We are for a peaceable accommodation with all those nations, if it can be effected honorably. This, perhaps, is not the only ground of his alienation; but which side retains its orthodoxy, the vote of 87. to 11. republicans may satisfy you; but you will better satisfy yourself on coming here, where alone the true state of things can be known, and where you will see republicanism as solidly embodied on all essential points, as you ever saw it on any occasion.

That there is only one minister who is not opposed to me, is totally unfounded. There never was a more harmonious, a more cordial administration, nor ever a moment when it has been otherwise. And while differences of opinion have been always rare among us, I can affirm, that as to present matters, there was not a single paragraph in my message to Congress, or those supplementary to it, in which there was not an unanimity of concurrence in the members of the administration. The fact is, that in ordinary affairs every head of a department consults me on those of his department, & where anything arises too difficult or important to be decided between us, the consultation becomes general.

That there is an ostensible cabinet and a concealed one, a public profession & concealed counteraction, is false.

That I have denounced republicans by the epithet of Jacobins, and declared I would appoint none but those called moderates of both parties, & that I have avowed or entertain any predilection for those called the third party, or Quids, is in every tittle of it false.

That the expedition of Miranda was countenanced by me, is an absolute falsehood, let it have gone from whom it might; & I am satisfied it is equally so as to Mr. Madison. To know as much of it as we could was our duty, but not to encourage it.

Our situation is difficult; & whatever we do is liable to the criticisms of those who wish to represent it awry. If we recommend measures in a public message, it may be said that members are not sent here to obey the mandates of the President, or to register the edicts of a sovereign. If we express opinions in conversation, we have then our Charles Jenkinsons, & back-door counsellors. If we say nothing, 'we have no opinions, no plans, no cabinet.' In truth it is the fable of the old man, his son & ass, over again.

These are short facts which may suffice to inspire you with caution, until you can come here & examine for yourself. No other information can give you a true insight into the state of things; but you will have no difficulty in understanding them when on the spot. In the meantime, accept my friendly salutations & cordial good wishes.

TO WILSON CARY NICHOLAS. J. MSS.

(*Confidential.*)

WASHINGTON, Mar. 24, 1806.

DEAR SIR,—A last effort at friendly settlement with Spain is proposed to be made at Paris, and under the auspices of France. For this purpose, Genl Armstrong & Mr. Bowdoin (both now at Paris) have been appointed joint comrs ; but such a cloud of dissatisfaction rests on Genl Armstrong in the minds of many persons, on account of a late occurrence stated in all the public papers, that we have in contemplation to add a 3d commissioner, in order to give the necessary measure of public confidence to the commission. Of these two gentlemen, one being of Massachusetts & one of N. York, it is thought the 3d should be a Southern man ; & the rather, as the interests to be negociated are almost entirely Southern & Western. This addition is not yet ultimately decided on ; but I am inclined to believe it will be adopted. Under this expectation, & my wish that you may be willing to undertake it, I give you the earliest possible intimation of it, that you may be preparing both your mind & your measures for the mission. The departure would be required to be very prompt ; tho' the absence I think will not be long, Bonaparte not being in the practice of procrastination. This particular considern will, I hope, reconcile the voyage to your affairs & your feelings. The allowance to an extra mission, is salary from the day of leaving home, & expenses to the place of destination, or in lieu of the latter, & to avoid settlements, a competent fixed sum may be given. For the return, a continuance of the salary for three months after fulfilment of the commission. Be so good as to make up your mind as quickly as possible, & to answer me as early as possible. Consider the measure as proposed provisionally only, & not to be communicated to any mortal until we see it proper.

Affectionate salutations.[1]

[1] On this subject Jefferson wrote further to Nicholas,

"WASHINGTON, Apr. 13, 06.

"DEAR SIR,—The situation of your affairs certainly furnishes good cause for your not acceding to my proposition of a special mission to Europe. My only

TO CÆSAR A. RODNEY. J. MSS.

WASHINGTON, Mar. 24, 06.

DEAR SIR,—I return you the letter you were so good as to inclose me with thanks for the communication. The real occurrences at Natchitoches & the

hope had been, that they could have gone on one summer without you. An unjust hostility against Genl Armstrong will, I am afraid, shew itself whenever any treaty made by him shall be offered for ratification. I wished, therefore, to provide against this, by joining a person who would have united the confidence of the whole Senate. Genl Smith was so prominent in the opposition to Armstrong, that it would be impossible for them to act together. We conclude, therefore, to leave the matter with Armstrong & Bowdoin. Indeed, my dear Sir, I wish sincerely you were back in the Senate; & that you would take the necessary measures to get yourself there. Perhaps, as a preliminary, you should go to our Legislature. Giles' absence has been a most serious misfortune. A majority of the Senate means well. But Tracy & Bayard are too dexterous for them, & have very much influenced their proceedings. Tracy has been of nearly every committee during the session, & for the most part the chairman, & of course drawer of the reports. 7. federalists voting always in phalanx, and joined by some discontented republicans, some oblique ones, some capricious, have so often made a majority, as to produce very serious embarrassment to the public operations; and very much do I dread the submitting to them, at the next session, any treaty which can be made with either England or Spain, when I consider that 5. joining the federalists, can defeat a friendly settlement of our affairs. The H of R is as well disposed as I ever saw one. The defection of so prominent a leader, threw them into dismay & confusion for a moment; but they soon rallied to their own principles, & let him go off with 5. or 6. followers only. One half of these are from Virginia. His late declaration of perpetual opposition to this administration, drew off a few others who at first had joined him, supposing his opposition occasional only, & not systematic. The alarm the House has had from this schism, has produced a rallying together & a harmony, which carelessness & security had begun to endanger. On the whole, this little trial of the firmness of our representatives in their principles, & that of the people also, which is declaring itself in support of their public functionaries, has added much to my confidence in the stability of our government; and to my conviction, that, should things go wrong at any time, the people will set them to rights by the peaceable exercise of their elective rights. To explain to you the character of this schism, it's objects & combinations, can only be done in conversation; & must be deferred till I see you at Monticello, where I shall probably be about the 10th or 12th of May, to pass the rest of the month there. Congress has agreed to rise on Monday, the 21st.

"Accept my affectionate salutations."

Sabine had, as usual, swelled greatly on their way to Natchez. The 500 horse were really but 20 who retired without opposition on Capt. Turner's requisition. The official reports of Majr. Porter & Capt. Turner assured us of these facts. Some unexpected occurrences have lately taken place here. The separation of a member of great talents & weight from the present course of things, scattered dismay for a time among those who had been used to see him with them. A little time however enabled them to rally to their own principles & to resume their track under the guidance of their own good sense. As long as we pursue without deviation the principles we have always professed, I have no fear of deviation from them in the main body of republicans. Here everything is understood, & nothing apprehended but protraction of debate. It will take more time for the public mind to understand the true state of things, but I have no fear that in a little time they will settle down with a correct view of them. Accept my affectionate salutations & assurances of great esteem & respect.

TO THOMAS PAINE.

WASHINGTON, Mar. 25, 06.

DEAR SIR,—It has not been in my power to sooner acknolege the receipt of your favor of Mar. 15. With France we have no difference, no subject of negotiation. Our differences are with Spain & England. With the former we are making a last effort at peaceable accommodation. The subject is merely a settle-

ment of the limits of Louisiana & our right of passing down the rivers of Florida. This negotiation is to be held at Paris, where we may have the benefit of the good offices of France, but she will be no party to the contract. Mr. Bowdoin our minister to Spain being now at Paris, & Armstrong there of course, the full powers have been sent to them for that reason. It has not been in contemplation to look for any other hand. Lately indeed it has been pressed that these gentlemen being from the middle & northern divisions of the country, & the interest to be arranged being merely a geographical one, exclusively concerning the Southern & Western states, some person of that geographical position ought to be added whose knowledge of the subject & interest in it would give security & confidence to the Southern & Western states that it will be pursued with knowledge & zeal. Should this opinion prevail the 3d commissioner must of course be selected geographically.

With respect to the rights of neutrality, we have certainly a great interest in their settlement. But this depends exclusively on the will of two characters, Buonaparte & Alexander. The dispositions of the former to have them placed on liberal grounds are known. The interest of the latter should insure the same disposition. The only thing to be done is to bring the two characters together to treat on the subject. All the minor maritime powers of Europe will of course concur with them. We have not failed to use such means as we possess to induce these two sovereigns to avail the world of it's present situation

to declare and enforce the laws of nature & convenience on the seas. But the organization of the treaty making power by our Constitution is too particular for us to commit the nation in so great an operation with all the European powers. With such a federal phalanx in the Senate, compact & vigilant for opportunities to do mischief, the addition of a very few other votes, misled by accidental or imperfect views of the subject, would suffice to commit us most dangerously. All we can do therefore is to encourage others to declare & guarantee neutral rights, by excluding all intercourse with any nation which infringes them, & so leave a niche in their compact for us, if our treaty making power shall chuse to occupy it.

From these views you will perceive that geographical & accidental circumstances have designated our commissioners, and that we cannot derive from your agency on this occasion the benefits you have heretofore rendered in a different line.

With England I flatter myself our difficulties will be dissipated by the disasters of her allies, the change of her ministry, and the measures which Congress are likely to adopt to furnish motives for her becoming just to us: and on the whole I cannot but hope that in the general settlement of the affairs of nations now on the tapis, ours also will be satisfactorily settled; so as to ensure to us those years of peace & prosperity which will place us beyond the reach of European wrong-doers. Accept my friendly salutations & assurances of esteem & respect.

TO NATHANIEL MACON. J. MSS.

WASHINGTON, Mar. 26, 06.

MY DEAR SIR,—Some enemy, whom we know not, is sowing tares among us. Between you & myself nothing but opportunities of explanation can be necessary to defeat those endeavours. At least on my part my confidence in you is so unqualified that nothing further is necessary for my satisfaction. I must therefore ask a conversation with you. This evening my company may stay late: but tomorrow evening, or the next I can be alone. I mention the evening because it is the time at which alone we can be free from interruption: however take the day & hour most convenient to yourself. Accept my affectionate salutations.

TO THE EMPEROR ALEXANDER OF RUSSIA. J. MSS.

WASHINGTON, April 19, 1806.

I owe an acknowledgment to your Imperial Majesty for the great satisfaction I have received from your letter of Aug. 20, 1805, and embrace the opportunity it affords of giving expression to the sincere respect and veneration I entertain for your character. It will be among the latest and most soothing comforts of my life, to have seen advanced to the government of so extensive a portion of the earth, and at so early a period of his life, a sovereign whose ruling passion is the advancement of the happiness and prosperity of his people; and not of his own people only, but who can extend his eye and his good will to a distant and infant nation, unoffending in its course, unambitious in its views.

The events of Europe come to us so late, and so suspiciously, that observations on them would certainly be stale, and possibly wide of their actual state. From their general aspect, however,

I collect that your Majesty's interposition in them has been disinterested and generous, and having in view only the general good of the great European family. When you shall proceed to the pacification which is to re-establish peace and commerce, the same dispositions of mind will lead you to think of the general intercourse of nations, and to make that provision for its future maintenance which, in times past, it has so much needed. The northern nations of Europe, at the head of which your Majesty is distinguished, are habitually peaceable. The United States of America, like them, are attached to peace. We have then with them a common interest in the neutral rights. Every nation indeed, on the continent of Europe, belligerent as well as neutral, is interested in maintaining these rights, in liberalizing them progressively with the progress of science and refinement of morality, and in relieving them from restrictions which the extension of the arts has long since rendered unreasonable and vexatious.

Two personages in Europe, of which your Majesty is one, have it in their power, at the approaching pacification, to render eminent service to nations in general, by incorporating into the act of pacification, a correct definition of the rights of neutrals on the high seas. Such a definition, declared by all the powers lately or still belligerent, would give to those rights a precision and notoriety, and cover them with an authority, which would protect them in an important degree against future violation; and should any further sanction be necessary, that of an exclusion of the violating nation from commercial intercourse with all the others, would be preferred to war, as more analogous to the offence, more easy and likely to be executed with good faith. The essential articles of these rights, too, are so few and simple as easily to be defined.

Having taken no part in the past or existing troubles of Europe, we have no part to act in its pacification. But as principles may then be settled in which we have a deep interest, it is a great happiness for us that they are placed under the protection of an umpire, who, looking beyond the narrow bounds of an individual nation, will take under the cover of his equity the rights of the absent and unrepresented. It is only by a happy concurrence of good characters and good occasions, that a step can now and then

be taken to advance the well-being of nations. If the present occasion be good, I am sure your Majesty's character will not be wanting to avail the world of it. By monuments of such good offices, may your life become an epoch in the history of the condition of man ; and may He who called it into being, for the good of the human family, give it length of days and success, and have it always in His holy keeping.

TO JOHN TYLER. J. MSS.

WASHINGTON, Apr. 26, 06.

DEAR SIR,—Your favor of Mar. 25 has been received, & the letter therein inclosed is referred to the Secretary of the Navy, who will give it just consideration whenever a vacancy in the body of midshipman occurs. If anything can be done he will give notice of it.

Congress have just closed a long & uneasy session, in which they had great difficulties external & internal to encounter. With respect to the ex-basha of Tripoli, & many other more important matters, such a spirit of dissension existed, & such misrepresentations of fact, that it will be difficult for the public to come at truth. The change in the British Ministry & the events of Europe will I think insure a friendly settlement with her. Whether we shall obtain the same from France & Spain is more doubtful. At the beginning of the session it was in our power, but if passion should there be opposed to passion here, the issue may become serious : and if peace takes place in Europe immediately, a great obstacle to the indulgence of passion will be withdrawn. Should the war however continue another year, cool sober sense on

both sides may befriend both. Unexpected & strange phaenomena in the early part of the session, produced a momentary dismay within the walls of the House of R. However the body of republicans soon discovered their true situation, rallied to their own principles, and moved on towards their object in a solid phalanx: in so much that the session did most of the good which was in their power & did it well. Republicanism may perhaps have lost a few of it's anomalous members, but the steadiness of it's great mass has considerably increased on the whole my confidence in the solidity & permanence of our government. Accept my friendly salutations & assurances of constant esteem & respect.

TO WILLIAM CHARLES COLES CLAIBORNE. J. MSS.

WASHINGTON, Ap. 27, 06.

DEAR SIR,—This letter is confidential, but not official. It is meant to give you a general idea of our views as to N. Orleans, of which you will receive the particulars from the Secretary at War, whose instructions nothing here said is meant to controul should they vary in any particular. At the meeting of Congress, I recommended an arrangement of our militia, which, by giving us a selection of the younger part of it, would have enabled us, if necessary to have sent a very efficient support to N. Orleans. A diversity of ideas however among the members, arising from partialities to local systems, defeated that. Then we endeavored to encourage settlers West of the Missipi by a bounty of land, conditioned to serve there 2. years as regulars if called on. This also failed. Congress having closed their session, the means furnished for the support of N. O. have at length assumed their definitive shape, and I believe are adequate to the present state & prospect of things. According to our last dispatches from Spain that government shews such pacific dispositions, that if any hos-

tilities take place in your quarter they will certainly not be by order of that government, but will be merely the effect of the passions & interests of her officers. Were Spain disposed, she could send no troops across the Atlantic. At Havanna she is so far from having any to spare, that she is obliged to use militia for ordinary garrison duty. At Pensacola & Mobille she has about 600. men. At Baton rouge about 170. These are all we know of which she could bring to attack you. What force she has in Mexico we know not. The means of defence to be immediately furnished you will be as follows: 1. three gun-boats will immediately proceed from the Atlantic border to Lake Pontchartrain. 2. bomb-vessels (being the only vessels we have in readiness here at this moment) will proceed to the Missipi to remain until relieved by 6 gunboats, either of those directly expected from the Mediterranean, or of those built on the Ohio, whichever shall first be in place. These 9 gunboats we consider as sufficient to secure all the water approaches to N. Orleans against any force we have a right to suppose can be brought against it under present circumstances.

2. We propose immediately to prepare block houses, pickets &c. on the defiles leading by land to the city; particularly on the road from Mashac, & on the approaches from the lakes. It is thought best on account of their health, not to bring the troops into the island, but to keep them in the nearest healthy situations from which they can repair to the city on very short notice. 1200 including those now in the city will be so placed. We presume you can raise about 1500 of militia and seamen, on an emergency, to be depended on; and that these behind their defensive works while the gunboats guard the water communications will secure the city effectually. 3. The militia of Tombigbee & Natchez will be ordered to be immediately put into a state of organization & readiness, so that should the garrisons of Pensacola, Mobile & Baton rouge, be drawn off to attack you, the respective militias may seize on these posts, & close in the rear of the attackers, to cut off their retreat. I have said that this letter is confidential, because our means ought not to be known to the Spaniards until they are seen. It will therefore be proper to prepare your militia with diligence, yet under the profession of ordinary precaution

only. An engineer will be immediately sent forward to plan & execute the works. Congress has voted a sufficient sum of money for our postal: but to avoid giving new irritation to Spain, it has confined it's expenditure to within the 31st degree. We are therefore obliged to relinquish for the present the road from Fort Stoddert direct to the mouth of Pearl & to go from Fort Stoddert to Pinckneyville keeping above the line. This is sorely against my will, & will continue no longer than necessity requires.

As the road thus proposed will soon strike the Pascagola, we think to use that river for the present in our communications between N. O. and Fort Stoddert. We expect that one of the gunboats of the lakes can ascend above the line. This is done because we wish to avoid collision with the Spanish authorities as much as possible till we can hear from Paris, & judge of the turn things will take there.

I have lately seen a letter from Mr. Duplantier to Mr. Madison, and am much pleased with his zeal in the interest of M. de Lafayette. Congress has permitted lots to be taken for him as low as 500 acres. This secures to us the parcel on the canal of Carondelet; but at the same time cuts off those smaller locations proposed by Mr. Duplantier. Indeed it would not be for the interest of the General to let his claim get into collision with any public interest. Were it to lose it's popularity it might excite an opposition neither agreeable to his feelings nor interests.

I promised a Mr. Reibelt to speak to you of him. He is a Swiss by birth, a strong republican in principle, was in favor of the French Directory, and is I think a very honest man, and certainly a man of great literary information. Having a family, & under some difficulties as to property which he says he has in Europe, he has accepted the care of the Indian factory at Natchitoches, where I think his philanthropy will recommend him to the attachment of the Indians. It is in compliance with his request to be made known to you that I mention these things.

I thank you for a bag of peccans lately received from you. If you could think of me in the autumn, when they are fresh, they will always be very acceptable, partly to plant, partly for table use.

I observe a motion in your legislature to desire me to chuse

a fifth counsellor out of the 10 before nominated. This being against law cannot be done; I hope therefore they will have nominated two as the law requires.

Accept my friendly salutations & assurances of esteem & respect.

DRAFT OF PROCLAMATION CONCERNING LEANDER.

J. MSS.

[May 3, 1806.]

Whereas satisfactory information has been received that Henry Whitby, commanding a British armed vessel called the Leander, did, on the 25th day of the month of April last past, within the waters & jurisdiction of the U. S. and near to the entrance of the harbor of New York by a cannon shot fired from the sd. vessel Leander, commit a murder on the body of John Pearce a citizen of the U. S. then pursuing his lawful vocations within the same waters & jurisdiction of the U. S. and near to their shores, & that the sd. Henry Whitby cannot be brought to justice by the ordinary process of law:

And whereas it does further appear that both before & after the said day sundry trespasses, wrongs, & unlawful interruptions & vexations on trading vessels coming to the U. S. and within their waters & vicinity were committed by the sd. armed vessel the Leander her officers, & people, by one other armed vessel called the Cambrian, commanded by her officers and people, and by one other armed vessel called the Driver commanded by her officers & people, which vessels being all of the same nation were aiding & assisting to each other in the trespasses, interruptions & vexations aforesaid:

Now therefore to the end that the sd Henry Whitby may be brought to justice & due punishment inflicted for the sd murder, I do hereby especially enjoin & require all officers having authority civil or military, and all other persons within the limits or jurisdiction of the U. S. wheresoever the said Henry Whitby may be found now or hereafter, to apprehend & secure the said Henry Whitby, & him safely & diligently to deliver to the civil authority of the place to be proceeded against according to law.

And I do hereby further require that the sd armed vessel the Leander with her other officers & people, & the sd armed vessels the Cambrian & Driver their officers & people, immediately & without any delay, depart from the harbours & waters of the U. S. And I do forever interdict the entrance of all the harbours & waters of the U. S. to the sd armed vessels, & to all other vessels which shall be commanded by the sd and or either of them.

And if the said vessels or any of them shall fail to depart as aforesaid, or shall reenter the harbours or waters aforesaid, I do in that case forbid all intercourse with the sd armed vessels the Leander the Cambrian & the Driver or with any of them, & the officers & crews thereof, and do prohibit all supplies & aid from being furnished them or any of them. And I do declare and make known that if any person from, or within, the jurisdictional limits of the U. S. shall afford any aid to either of the sd armed vessels contrary to the prohibition contained in this proclamation, either in repairing such vessel, or in furnishing her officers or crew with supplies of any kind, or in any manner whatsoever or if any pilot shall assist in navigating any of the sd armed vessels, unless it be for the purpose of carrying them in the first instance beyond the limits & jurisdiction of the U. S. such person or persons shall on conviction, suffer all the pains & penalties by the laws provided for such offences. And I do hereby enjoin & require all persons bearing office civil or military within the U. S. & all other citizens or inhabitants thereof or being within the same with vigilance & promptitude to exert their respective authorities, & to be aiding & assisting to the carrying this proclamation & every part thereof into full effect.

In testimony whereof I have caused the seal of the U. S. to be affixed to these presents and signed the same with my hand. Given at the city of Washington the 3d day of May, in the year of our lord 1806 & of the sovereignty & independence of the U. S. the 30th.

TO THE U. S. MINISTER TO GREAT BRITAIN. J.MSS.

(JAMES MONROE.)

WASHINGTON, May 4, 06.

DEAR SIR,—I wrote you on the 16th of March by a common vessel, & then expected to have had, on the rising of Congress, an opportunity of peculiar confidence to you. Mr. Beckley then supposed he should take a flying trip to London, on private business. But I believe he does not find it convenient. He could have let you into the *arcana rerum*, which you have interests in knowing. Mr. Pinckney's pursuits having been confined to his peculiar line, he has only that general knowledge of what has passed here which the public possess. He has a just view of things so far as known to him. Our old friend, Mercer, broke off from us some time ago; at first professing to disdain joining the federalists, yet, from the habit of voting together, becoming soon identified with them. Without carrying over with him one single person, he is now in a state of as perfect obscurity as if his name had never been known. Mr. J. Randolph is in the same track, and will end in the same way. His course has excited considerable alarm. Timid men consider it as a proof of the weakness of our government, & that it is to be rent into pieces by demagogues, & to end in anarchy. I survey the scene with a different eye, and draw a different augury from it. In a house of Representatives of a great mass of good sense, Mr. R's popular eloquence gave him such advantages as to place him unrivalled as the leader of the house; and, altho' not conciliatory to those whom he led, principles of duty & patriotism induced many of them to swallow the humiliations he subjected them to, and to vote as was right, as long as he kept the path of right himself. The sudden defection of such a man could not but produce a momentary astonishment, & even dismay; but for a moment only. The good sense of the house rallied around it's principles, & without any leader pursued steadily the business of the session, did it well, & by a strength of vote which has never before been seen. Upon all trying questions, exclusive of the federalists, the minority of republicans voting with him has been from 4. to 6. or 8., against from 90, to 100.; and altho' he yet treats the federal-

ists with ineffable contempt, yet, having declared eternal opposition to this administration, & consequently associated with them, in his votes, he will, like Mercer, end with them. The augury I draw from this is, that there is a steady, good sense in the Legislature, and in the body of the nation, joined with good intentions, which will lead them to discern & to pursue the public good under all circumstances which can arise, and that no *ignis fatuus* will be able to lead them long astray. In the present case, the public sentiment, as far as declarations of it have yet come in, is, without a single exception, in firm adherence to the administration. One popular paper is endeavoring to maintain equivocal ground; approving the administration in all it's proceedings, & Mr. R in all those which have heretofore merited approbation, carefully avoiding to mention his late aberrations. The ultimate view of this paper is friendly to you; & the editor, with more judgement than him who assumes to be at the head of your friends, sees that the ground of opposition to the administration is not that on which it would be advantageous to you to be planted. The great body of your friends are among the firmest adherents to the administration; and in their support of you, will suffer Mr. R to have no communications with them. My former letter told you the line which both duty & inclination would lead me sacredly to pursue. But it is unfortunate for you to be embarrassed with such a *soi-disant* friend. You must not commit yourself to him. These views may assist you to understand such details as Mr. Pinckney will give you. If you are here at any time before the fall, it will be in time for any object you may have, and by that time the public sentiment will be more decisively declared. I wish you were here at present, to take your choice of the two governments of Orleans & Louisiana, in either of which I could now place you; and I verily believe it would be to your advantage to be just that much withdrawn from the focus of the ensuing contest, until it's event should be known. The one has a salary of 5000 D., the other of 2000 D.; both with excellent hotels for the Governor. The latter at St. Louis, where there is good society, both French & American; a healthy climate, & the finest field in the U S for acquiring property. The former not unhealthy, if you begin a residence there in the month of November.

The Mrs. Trists & their connections are established there. As I think you can within 4. months inform me what you say to this, I will keep things in their present state till the last day of August, for your answer.

The late change in the ministry I consider as insuring us a just settlement of our differences, and we ask no more. In Mr. Fox, personally, I have more confidence than in any man in England, & it is founded in what, through unquestionable channels, I have had opportunities of knowing of his honesty & his good sense. While he shall be in the administration, my reliance on that government will be solid. We had committed ourselves in a line of proceedings adapted to meet Mr. Pitt's policy & hostility, before we heard of his death, which self-respect did not permit us to abandon afterwards; and the late unparalleled outrage on us at New York excited such sentiments in the public at large, as did not permit us to do less than has been done. It ought not to be viewed by the ministry as looking towards them at all, but merely as the consequences of the measures of their predecessors, which their nation has called on them to correct. I hope, therefore, they will come to just arrangements. No two countries upon earth have so many points of common interest & friendship; & their rulers must be great bunglers indeed, if, with such dispositions, they break them asunder. The only rivality that can arise is on the ocean. England may, by petty larceny, thwartings, check us on that element a little, but nothing she can do will retard us there one year's growth. We shall be supported there by other nations, & thrown into their scale to make a part of the great counterpoise to her navy. If, on the other hand, she is just to us, conciliatory, and encourages the sentiment of family feelings & conduct, it cannot fail to befriend the security of both. We have the seamen & materials for 50. ships of the line, & half that number of frigates; and were France to give us the money & England the dispositions to equip them, they would give to England serious proofs of the stock from which they are sprung, & the school in which they have been taught; and added to the efforts of the immensity of sea coast lately united under one power, would leave the state of the ocean no longer problematical. Were,

on the other hand, England to give the money, & France the dispositions to place us on the sea in all our force, the whole world, out of the continent of Europe, might be our joint monopoly. We wish for neither of these scenes. We ask for peace & justice from all nations; & we will remain uprightly neutral in fact, tho' leaning in belief to the opinion that an English ascendancy on the ocean is safer for us than that of France. We begin to broach the idea that we consider the whole gulph Stream as of our waters, in which hostilities & cruising are to be frowned on for the present, and prohibited so soon as either consent or force will permit us. We shall never permit another privateer to cruise within it, and shall forbid our harbors to national cruisers. This is essential for our tranquillity & commerce. Be so good as to have the enclosed letters delivered; to present me to your family, and be assured yourself of my unalterable friendship.

For fear of accidents, I shall not make the unnecessary addition of my name.

TO SAMUEL SMITH. J. MSS.

WASHINGTON, May 4, 06.

DEAR SIR,—I received your favor covering some papers from Genl Wilkinson. I have repented but of one appointment there, that of Lucas, whose temper I see overrules every good quality & every qualification he has. Not a single fact has appeared, which occasions me to doubt that I could have made a fitter appointment than Genl Wilkinson. One qualm of principle I acknowledge I do feel, I mean the union of the civil & military authority. You remember that when I came into office, while we were lodging together at Conrad's, he was pressed on me to be made Governor of the Missipi territory; & that I refused it on that very principle. When, therefore, the H of R took that ground, I was not insensible to

it's having some weight. But in the appointment to Louisiana, I did not think myself departing from my principle, because I consider it not as a civil government, but merely a military station. The Legislature had sanctioned that idea by the establishment of the office of Commandant, in which were compleatly blended the civil & military powers. It seemed, therefore, that the Governor should be in suit with them. I observed, too, that the H of R, on the very day they passed the stricture on this union of authorities, passed a bill making the Govr. of Michigan commander of the regular troops which should at any time be within his government. However, on the subject of Genl Wilkinson nothing is in contemplation at this time. We shall see what turn things take at home & abroad in the course of the summer. Monroe has had a 2^{d} conversation with Mr. Fox, which gives us hopes that we shall have an amicable arrangement with that government. Accept my friendly salutations, & assurances of great esteem & respect.

TO JACOB CROWNINSHIELD. J. MSS.

MONTICELLO, May 13, 06.

DEAR SIR,—I was able to get from Washington a few days ago, and am here for about three weeks to unbend, as much as the current business will permit, with the aid of the country recreations. A little before my departure the incident took place at New York, on the subject of which I saw letters from yourself & General Barnham who were witnesses of

the effect produced. Altho' the scenes which were acted on shore were overdone with electioneering views, yet the act of the British officer was an atrocious violation of our territorial rights. The question what should be done was a difficult one, the sending three frigates was one suggestion. Our peace establishment allows the emploiment of 925 men, which might man 3 frigates; & I think the construction sound that the force in the Mediterranean might be considered as our war establishment making no part of the 925 men, but as having been sent there under another law. But if no part of our peace establishment, the war being over they must be called home if considered under the war statute, and if kept there it could be only as a part of the peace establishment. We had in fact ordered home one frigate and directed one to remain there with two brigs. The Chesapeake was under repair, destined for the Mediterranean on account of the Tunisian threats, but would not be ready within a month. While we were thus unable to present a force of that kind at N. York we received from Mr. Merry the most solemn assurances that the meeting of the three British vessels at New York was entirely accidental from different quarters & that they were not to remain there. We concluded therefore that it was best to do what you have seen in the proclamation, and to make a proper use of the outrage and of our forbearance at St. James's, to obtain better provisions for the future. We expect daily to hear of the return of our Mediterranean gunboats to Charleston, which with those expected to descend the Ohio, & some from

Commodore Preble, will enable us to put N. Orleans & N. York (our most vulnerable points) the former in a state of good security, the latter out of danger of having the city assaulted by a small force. And the boats to be constructed this year, with land-batteries will give to N. York also good security. But the building some ships of the line instead of our most indifferent frigates is not to be lost sight of. That we should have a squadron properly composed to prevent the blockading our ports is indispensable. The Atlantic frontier from numbers, wealth, & exposure to potent enemies have a proportionate right to be defended with the Western frontier, for whom we keep up 3000 men. Bringing forward the measure therefore in a moderate form, placing it on the ground of comparative right, our nation which is a just one, will come into it, notwithstanding the repugnance of some on the subject being first presented. A second conference between Monroe and Fox gives us confident hope that our matters there will be properly settled. The measures we have taken were necessary even to alarm the British merchants & to give the ministry their support in what they were disposed to do. Accept friendly salutations & assurances of great esteem.

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

MONTICELLO, May 23, 06.

DEAR SIR,—Your's by the last post was received yesterday, and I now return Monroe's letters. That Armstrong should be returning so suddenly & without notice is quite an impossibility. Any other hypothesis for his journey to Amsterdam would be

more probable. I send you a letter from Pierpont Edwards respecting Swartwout. His testimony against him cannot be suspected, considering their mutual relation to a common center, Burr. I send you also a letter from Mr. Gallatin on account of the last paragraph tho' as far as I can trust my memory every article suggested has been provided for. These two letters to be returned. I have desired the postmasters of Washington & Richmd to send nothing here after the 28th, proposing to leave this on the 4th & be in Washington on the 7th of June. It occurred to me yesterday that a letter is necessary from me to the Basha of Tripoli, and I have hastily prepared a draft which will need much correction. I pray you to give it freely, and submit it to Mr. Smith also. If you can return the fair draught by the post leaving Washington on the 28th I may sign & send it by the return of the same post, so that you may receive it the 3rd of June. Or if not wanting sooner it may lie with you till the 7th when I can sign it at Washington. At length we have had a copious rain. It continued with slight remissions two days (Wed & Thursday) falling moderately so that the earth is saturated without raising the streams. It was from the N. E. and has cleared up cold, the wind at N. & thermometer 50°. Mr. Burwell is here. He understands well the occurrences at Washington, but had not so well understood Clarke. Accept affectionate salutations.

The above was written yesterday morning. In the evening it recommenced raining, continued steadily tho' moderately thro' the night, and still continues this morning, with the wind at N. W. The earth has enough, but more is wanting for the springs and streams. May 24, 7 o'clock a.m.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

June 15, 1806.

On the 27th of April I wrote to Governor Claiborne in these words :

"Congress has permitted lots to be taken for M. de la Fayette as low as 500 acres. This secures to us the parcel on the canal of Carondelet; but at the same time cuts off those similar locations proposed by M. Duplantier. Indeed,

it would not be for the interest of the General to let his claim get into collision with any puhlic interest. Were it to lose its popularity it might excite an opposition neither agreeable to his feelings or interest."

This may already have produced some effect towards abating the expectations of M. Duplantier and the fears of the city. Still, I think it better that Mr. Madison should write explicitly to him. Indeed, I think we had better have a consultation, and determine on the proper limits of the public reservation. For, however justifiably desirous we may be to relieve a man who stands so high in the public affection as La Fayette, still, it should be only by granting to him such lands as would be granted to others if not located by him. The idea of consolidating by getting Suarez's land was to satisfy the limit of 1000 acres then imposed on him, while others would have been free to have taken these smaller parcels. That idea may now be waived.

With respect to Colonel Newton's inquiries what measures are to be taken with armed vessels coming into that harbor, I think he may be told to go on as we have done until further orders. These ought not to be given till we have gunboats there to enforce them. Then I shall be for an exact police over these vessels. Should we not by special letters keep the collectors on the alert as to the three proscribed vessels and commanders? It is very desirable to get hold of Whitby. Affectionate salutations.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

June 19, 1806.

I have had a consultation with Mr. Madison on the application of the British vessel of war for *stores*. We are both of opinion that if by this term be meant *sea-stores* only, or even *munitions de bouche*, or provisions generally, there can be no objection to their taking them, or indeed anything except *contraband of war*. But what should be deemed contraband of war in this case we are not agreed. He thinks that as the English deem *naval stores* to be contraband, and as such take them from our vessels at sea, we ought to retaliate their own definition on them. I think we ought

to act on the opinion that they are not contraband ; because by treaties between all the nations (I think) having treaties with another they are agreed not to be contraband ; even England herself, with every nation but ours, makes them non-contraband, and the only treaty making them contraband (Jay's) is now expired. We ought then at once to rally with all the other nations on the ground that they are non-contraband ; and if England treats them as contraband in our ships, instead of admitting it by retaliation, let us contest it on its true ground. Mr. M. thinks France might complain of this ; but I think not, as we shall permit both nations equally to take naval stores ; or at least such articles of them as may be used for peaceable as well as warlike purposes ; this being the true line. This therefore becomes a question on which it will be advisable for us soon to come to a fixed determination. In the mean time, it will be better to leave the construction of the term to Mr. Gelston, by not defining the term to him, because any error of his will be easily got over. Affectionate salutations.

TO LEVI LINCOLN. J. MSS.

WASHINGTON, June 25, 06.

DEAR SIR,—It gave me great pleasure to receive your letter of the 17th and especially to learn you had accepted your new post.[1] The newspapers tell us that Dr. Eustis has qualified. Mr. Gerry I presume & Genl. Heath must have reasons of justification for declining unknown to us at a distance. Otherwise we should say that a good souldier does not retire on carrying the town merely, while the citadel is still in the enemy's hands. I presume however it will be surrendered at the end of this campaign, as all hopes of relief will then be desperate.

Every communication from Mr. Monroe strengthens

[1] Council of Massachusetts.

our expectation that the new pretence of the British to controul our commerce with belligerent colonies will be properly restricted, and the outrages on our seamen brought to an end. I had apprehended that the attempts of a little party of seceders in Congress, to assassinate our negotiations for peace & justice from Spain and France by proclaiming views communicated to them in confidence, and using a language of irritation calculated to indispose those powers to listen to us, would have effected their views and forced us into what they deemed necessary for the liberties of mankind, war with Spain & France & consequently alliance with Britain. But the course which things are taking in Europe & some symptoms at Madrid & Paris induce me now to hope we may obtain the same ground which was put in our power last autumn. On the whole I do hope that at the next session of Congress we may inform the nation that we have brought to an end the wrongs they have been suffering from one people, and obtained from another justice, peace, & perhaps an arrondissement of empire which may promise us long years of tranquility. There will be some gratification too personally, in proving to our constituents, that their old servants have done nothing either in the way of wickedness or folly to forfeit their confidence, nor their new & unfledged friends anything to merit it. As our measures will have resulted in peace, the inference is that the contrary measures pressed on us would have resulted in contrary effects.

The proposition respecting the marshallship men-

tioned in your letter, was, as you supposed, not the first. Another had been weightily patronized, & had produced such a degree of commitment as cannot but have influenced our final determination. Certainly every act would give me superior pleasure inasmuch as it would be pleasing to you. But my knowledge of you also placed me at my ease in giving to all considerations the whole weight which they are in justice & duty entitled to receive. Accept my friendly salutations & assurances of continued attachment & respect.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

June 26, 1806.

The Attorney-General being absent, we must decide for ourselves the question raised by Colonel Newton's letter, whether Mr. Cooper can own a registered vessel? or, in other words, whether he is a citizen of the United States?

I hold the right of expatriation to be inherent in every man by the laws of nature, and incapable of being rightfully taken from him even by the united will of every other person in the nation. If the laws have provided no particular mode by which the right of expatriation may be exercised, the individual may do it by any effectual and unequivocal act or declaration. The laws of Virginia have provided a mode; Mr. Cooper is said to have exercised his right solemnly and exactly according to that mode, and to have departed from the Commonwealth; whereupon the law declares that "he shall thenceforth be deemed no citizen." Returning afterwards he returns an alien, and must proceed to make himself a citizen if he desires it, as every other alien does. At present he can hold no lands, receive nor transmit any inheritance, nor enjoy any other right peculiar to a citizen.

The general government has nothing to do with this question. Congress may by the Constitution "establish an uniform rule of

naturalization," that is, by what rule an alien may become a citizen. But they cannot take from a citizen his natural right of divesting himself of the character of a citizen by expatriation.

TO THOMAS MANN RANDOLPH.[1]

WASHINGTON, July 13, 06.

DEAR SIR,—Your letter of the 5th came to hand on the 7th & at the same time the Enquirer of the 4th. From the two together I derived inexpressible consolation: because while the Enquirer contained a piece which shews that the other party did not propose, for any thing which had yet past to remove the question from before the tribunal of the public, your letter gave me confidence that if that piece contained any fact necessary to be set to rights, it would be done by a simple statement of the fact, without commentary or reflection, but indeed whatever that piece might contain of error, it's contradiction is rendered unnecessary by general opinion. I find but one sentiment prevailing (and I have that from very many) that the thing may stop where it now is with entire honour to yourself, and with no other diminution of it by the other party than shewing that he has not that ravenous appetite for unnecessary risk which some had ascribed to him; and which indeed is the falsest of honour, as a mere compound of crime & folly. I hope therefore that the matter is at an end, and that great care will be taken not to revive it. I believe that will be the case on his side; for I think

[1] From a copy courteously furnished by the Hon. C. H. Bell, of Exeter, N. H. It relates to a dispute in Congress with John Randolph.

you have been mistaken in supposing he meant to try any experiment on your sensibility. Of this he is acquitted I find by all who had opportunities of observing his selection of characters to be the subjects of his sarcasms. This termination however restores peace of mind and happiness to us all. The young ones indeed would have got over it; but to two persons at least it would have ended but with life. This period might have been long with one; with the other short, but unceasingly bitter. A sincere affection for you personally, a reliance on you for succeeding to cares which age is unfitting me for, sympathies with a beloved survivor, and tender anxieties for those who would have had to embark in the world without guide or protection, would have filled with gloom my remaining time.

God bless you & give you a long life.

TO THE U. S. MINISTER TO SPAIN.[1] J. MSS.

(JAMES BOWDOIN.)

July 26, 1806.

DEAR SIR,—I wrote you a long letter on the 10th inst. since which your favor of May 20 has come to hand. By this I perceive, & with the deepest affliction, not only that a misunderstanding has taken place between yourself & Genl. Armstrong, but that it has occasioned a misconstruction of your powers likely to defeat the object of your mission, a mission on the result of which the eyes of all our citizens are anxiously fixed, as that which can alone give them a convenient & certain boundary with the prospect of long peace. The commission sent you is in the precise words (as to it's formal parts) of that under which Messrs. Monroe & C. Pinckney acted at Madrid in the same business; &

[1] Endorsed: Not sent.

the same also as that formerly given to Mr. Livingston & Monroe, & the one lately given to Monroe & W. Pinckney. It's purport is indeed joint or several; it's intention that if found together, the ministers shall act jointly, but if the death, sickness or absence of either should happen, then the other should have authority to proceed separately. Never before has this form met with any objections; & never before was it constructed to give to either the power to do a single act relative to it's object, but in conjunction with the other. In the instructions indeed a small variation in form only happened from this circumstance. They were prepared before we were certain that you would be at Paris when they should arrive, and as we had determined no more to address ourselves to Madrid, but thro' the medium of France, where Genl. Armstrong was accredited, the instructions were at first addressed to him singly. When it was afterwards determined to join you in a negotiation, the caption was made to declare that they were common to you both: and the address on the back was joint. This change in the caption & superscription completely changed the effect of every paragraph in the instrns & addressed it's contents to both of you. I cannot see how it could be inferred that these instructions were not to have operation until the authority at Paris shall be ready on the part of Spain? On the contrary they were in operation from the moment they were received, and from that moment neither had a right to take a single step, formal or informal, but with the concurrence of the other. As France had neither right nor interest in the provinces coterminous with Louisiana either on the East or West which were to be the subject of negotiation, she could not become a party to the treaty. No diploma was necessary therefore to be addressed to her formally. The friendly dispositions which dictated our requests of her good offices, would induce her to yield them on being informally satisfied that you had full powers to conclude with Spain. This she would have been by a sight of your full-powers, or of a letter or another less formal manifestation of your authority: and on this she would naturally invite Spain to meet us in negotiation at Paris, where her good offices could be rendered to both. This was the course we supposed the business would take. If Genl. Armstrong has written to you "that you are to have nothing to do with the

negotiation until Spanish agents are upon the ground " it is wrong, because you had equal authority with him to take the measures properly necessary to bring them on the ground. No greater authority was given or intended for the one than the other.

I hardly suppose this explanation can reach Paris in time to remedy—

I have much higher hopes that gentlemen so selected for the superiority of their characters & understanding will have had so much greatness of mind as to silence their individual passions in the presence of such great public interests, and to have exerted all the powers of their mind to bring them to the result so much desired. This disposition would, of course, be inforced by the consideration that the evil arises at such a distance from us as to admit of no remedy till too late. That private indisposns towd each other should sometimes exist in difft agents of the same govmt is what is to be found in all govmnt. With these the public have no concern, but were these indisposns to prevent them from executing dispassionately & faithfully any public duties which brought them together, would be a ground of serious blame. My estimation of you both must be obvious from my selection of you from the whole body of our country for the discharge of it's highest trusts. My confidence in you has kept me without pain & without a fear that everything would (be) done to accomplish the great object committed to you, which patriotism & talents could affect, and I will not believe yet that [1]

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

MONTICELLO, Aug. 8, 06.

DEAR SIR,—Yours of the 4th is received. I think the course which has been taken for sending Mellimeni home is the best; and I concur with you in the expediency of giving no answer to Turreau. Indeed his letter does not seem to call for one. In the present state of our affairs it will certainly be better not to appoint a consul at St. Thomas's. We must not risk great things for small. A consul merely to patronize a commerce which the

[1] Here the letter ends.

laws forbid, would be a measure in opposition to the law, & not for it's execution. I have received an impression from some cause or other that we had a convention with Spain for the mutual surrender of fugitives from justice in cases of murder and forgery: but on examining my collection of the laws here (which however is imperfect) I do not find such an one. If we have such a convention the murderer of his negro must certainly be given up. If we have not, he as certainly cannot. Of this I imagine you can satisfy yourself. If he is to be given up our constitution secures to him a previous trial by jury. He should be regularly indicted for having committed a certain crime within the territories of Spain, and the jury finding him guilty, the judgment of the court should be that he be delivered up to the Spanish authority. The case is of new creation by the convention, and should therefore take the course of analogous cases already known to the law.

The fact mentioned by Govr. Lewis, that the British have a fort on the Isthmus near Carleton or Buck Island is equally unknown & astonishing to me. Certainly we are bound to look into it immediately. The first step to be taken I think is to ascertain the fact, for which purpose I should suppose it best that Genl. Dearborn should send a discreet judicious officer to the place, with orders to do nothing more than to satisfy himself of the fact and report it to him. I think a new marshall should now be appointed for N. York, & will thank you to order a blank commission for this purpose to be forwarded to Mr. Gallatin, as was settled before we parted. I now return you the letters of P. Edwards, Cathcart, Govr. Lewis, Turreau & Govr. Claiborne; and I inclose to you for your office Mellimenni's letter to me, Brown's with an official report, Jones's petn for a pardon, Govr. Claiborne's & Judge Hall's recommendation in Perryman's case, on which two last, pardons are to be issued; and Phelp's letter to be lodged in the patent office.

I am likely to be detained here a week more before I can set out for Bedford. My absence will be of about 10 days. If you can have my great coat put into the hands of the stage driver as he passes on Wednesday afternoon, I shall get it in time for my journey, and be very thankful to you for the accommodation. My affectionate salutations are tendered to yourself & Mrs. Madison.

TO THE SECRETARY OF THE TREASURY. J. MSS.

(ALBERT GALLATIN.)

MONTICELLO, Aug. 15, 1806.

Yours of the 7th received yesterday; and I have this day enclosed Mr. Sandford's letter to Mr. Madison for perusal and to be forwarded by him to you. The skill and spirit with which Mr. Sandford and Mr. Edwards conducted the prosecution give perfect satisfaction, nor am I dissatisfied with the result. I had no wish to see Smith imprisoned; he has been a man of integrity and honor, led astray by distress. Ogden was too small an insect to excite any feelings. Palpable cause for removal of the marshal has been furnished, for which good though less evident cause existed before, and we have shown our tenderness towards judicial proceedings in delaying his removal till these were ended. We have done our duty, and I have no fear the world will do us justice. All is well therefore.

I approve of the appointment of Thos. Fowler to command the cutter at Savannah, and wish you to direct the commission accordingly. There was a recommendation of a Mr. Newell under favorable circumstances; but that of Fowler is more weighty. Mr. R. S. has had a commission given to Eli Williams as commissioner of the Western road. I am sorry he has gone out of Baltimore for the appointment, and also out of the ranks of Republicanism. It will furnish new matter for clamor. I set out to my possessions in Bedford in a day or two, and shall be absent ten days. This may explain delays in answering your communications, should any occur. The effects of drought are beyond anything known here since 1755. There will not be 10,000 hogsheads of tobacco made in the State. If it should rain plentifully within a week, the corn in rich lands may form nubbings; all the old field corn is past recovery, and will not yield a single ear. This constitutes the bulk of our crop; there will be no fodder. The potatoes are generally dead. Emigration will be great this fall from necessity. Affectionate salutations.

TO THE SECRETARY OF THE TREASURY. J. MSS.
(ALBERT GALLATIN.)

MONTICELLO, August 16, 1806.

DEAR SIR,—I have made it a rule to grant no pardon in any criminal case but on the recommendation of the judges who sat on the trial, and the district attorney, or two of them. I believe it a sound rule, and not to be departed from but in extraordinary cases. This occasions me to trouble you with the enclosed petition. It is probable the party petitioning, or his friends, on being informed of the rule, will take the petition and present it for the necessary signature ; I ask the favor of you accordingly to put it into their hands with the necessary information. I salute you with affection and respect.

TO THE SECRETARY OF THE TREASURY. J. MSS.
(ALBERT GALLATIN.)

MONTICELLO, August 28, 1806.

DEAR SIR,—I returned hither the day before yesterday, and found your two letters of the 15th. I am much pleased with the expectation of Mr. Thompson's continuance in office in the Orleans land office. The appointment of Robert Sargent as second mate of the revenue cutter of Delaware is approved. On the subject of the negotiation for the Floridas, not one word further than is known to you has been received. You shall immediately know when anything is received. As to the proposition for employing the Hornet to transport money for certain merchants from a belligerent port to the United States, Mr. Miller seems to have viewed one side of the question only. The other would not withstand a moment's reflection. Every neutral vessel, armed or unarmed, transporting merchandise of money or other goods, is rightfully liable to search by the ships of war of a belligerent. Private vessels, even armed, are accordingly searched. The public armed ships are not, because no nation uses them but for the protection of private commerce, not for carrying it on. The honor of the nation is relied on that they are not so employed ; and the nation

who lend them to such purposes must give up their exemption from search. Should a British frigate, having intimation of the Hornet's cargo, demand and make a search, he would find on board the proofs that our public ships abuse their privilege and of course must be denied it. The license to four British vessels to sail to Lima proves that belligerents may, either by compact or force, conduct themselves towards one another as they please; but not that a neutral may, unless by express permission of the belligerent. If the money said to have been brought from Jamaica by Murray & Mullony was private property, the act was wrong and ought not to be repeated. There are other insuperable reasons in this case, but this one is sufficient. I must take a little more time to consider and answer as to the Western roads and Louisiana instructions. Affectionate salutations.

TO THE SECRETARY OF THE TREASURY. J. MSS.
(ALBERT GALLATIN.)

MONTICELLO, August 31, 1806.

DEAR SIR,—I now return you the papers respecting the Louisiana Board of Commissioners, with only the alteration of omitting the words in the Xth instruction, about which you had doubted yourself. At the same time it is without confidence I give any opinion on this subject, having always considered your knowledge on it so exact as to supersede the necessity of my studying it minutely. If any opinion in aid of yours be necessary, I am sorry we could not call in that of the Attorney General, who is acquainted with the subject.

I return also the papers on the Western roads. I have not here a complete copy of the laws of the last session, and particularly no copy of that respecting the road from the Mississippi to the Ohio. If I recollect it rightly, it authorized us to open but one road. If so, the branchings proposed by Mr. Badollet may be beyond our powers. At any rate, they should be secondary, and not attempted till we know there will be money left after accomplishing the principal one. I submit to you, therefore, whether we should not suspend all measures respecting the branching

roads. With respect to the great and important road which is the principal object :

1. Why should not the guide-line from St. Louis to Vincennes be direct, instead of bending to B ?

2. I like your idea of straightening the guide-line from Vincennes, although it may pass through a corner of the Indian lands. But if necessary to cross the river at A on account of the ford, should not the guide-line go thence direct to Cincinnati, as I have pencilled it, or to Dayton, if that be the shortest way to Chillicothe ? and even in that case the fork to Cincinnati might be transferred to C.

3. But the post-office map (the only one I have here) must be egregiously wrong if Dayton is not much out of the direct road from Vincennes to Chillicothe. According to that Cincinnati is in the direct line. But perhaps the deviation by Dayton is from economy, and to spare our fund the expense of opening the road from Cincinnati to Chillicothe and Marietta. But I doubt whether for a temporary reason we ought to do a permanent injury, especially as we may with certainty expect that Congress will enlarge the appropriation.

As to the branches of the roads, if it be lawful and advisable to extend our operations to them, I presume that to Louisville C. H. will be the most important. But should the fund hold out, that to Kaskaskia may be taken in ultimately. I think Mr. Badollet is right in proposing that the road shall not be opened more than a rod wide. Accept affectionate salutations, and assurances of constant esteem and respect.

TO JOSEPH HAMILTON DAVEISS.[1]

MONTICELLO, Sept. 12, '06.

SIR,—Your letter of Aug. 14 has been just received. The first of Jan. 10 was acknowledged in mine of Feb. 15. After that, those of Feb. 10, Mar. 5, April 5 and 21, came in due time. As their matter do not

[1] From Daveiss' *View of the President's Conduct*, Frankfort, 1806, p. 25.

require answer, their acknowledgment was postponed to avoid the suspicion of which you seemed to be aware, as well as to await your return from the journey you had undertaken. The acknowledgment of their receipt is now therefore made to relieve you from any anxiety respecting their safety, and you may rely on the most inviolable secrecy as to the past and any future communication you may think proper to make. Your letters are not filed in the offices; but will be kept among my private papers.

Accept my salutations and assurances of respect.

TO W. A. BURWELL. J. MSS.

MONTICELLO, Sept. 17, 06.

DEAR SIR,—Yours of Aug. 7, from Liberty, never got to my hands till the 9th instant. About the same time I received the Enquirer, in which Decius was so judiciously answered. The writer of that paper observed, that the matter of Decius[1] consisted, 1st of facts; 2dly, of inferences from these facts: that he was not well enough informed to affirm or deny his facts, & he therefore examines his inferences, and in a very masterly manner shews that even were his facts true, the reasonable inferences from them are very different from those drawn by Decius. But his facts are far from truth, and should be corrected. It happened that Mr. Madison & Genl Dearborne were here when I received your letter. I therefore, with them,

[1] "Decius" was the signature used by John Randolph to a series of papers in the "Richmond Examiner."

took up Decius & read him deliberately; & our memories aided one another in correcting his bold & unauthorized assertions. I shall note the most material of these in the order of the paper.

1. It is grossly false that our ministers, as is said in a note, had proposed to surrender our claims to compensation for Spanish spoliations, or even for French. Their instructions were to make no treaty in which Spanish spoliations were not provided for; and altho they were permitted to be silent as to French spoliations carried into Spanish ports, they were not expressly to abandon even them. 2. It is not true that our ministers, in agreeing to establish the Colorado as our Western boundary, had been obliged to exceed the authority of their instructions. Altho' we considered our title good as far as the Rio Bravo, yet in proportion to what they could obtain East of the Missipi, they were to relinquish to the Westward, & successive sacrifices were marked out, of which even the Colorado was not the last. 3. It is not true that the Louisiana treaty was antedated, lest Great Britain should consider our supplying her enemies with money as a breach of neutrality. After the very words of the treaty were finally agreed to, it took some time, perhaps some days, to make out all the copies in the very splendid manner of Bonaparte's treaties. Whether the 30th of Apr., 1803, the date expressed, was the day of the actual compact, or that on which it was signed, our memories do not enable us to say. If the former, then it is strictly conformable to the day of the compact; if the latter, then it was postdated, instead of being antedated. The motive assigned too, is as incorrect

as the fact. It was so far from being thought, by any party, a breach of neutrality, that the British minister congratulated Mr. King on the acquisition, & declared that the King had learned it with great pleasure; & when Baring, the British banker, asked leave of the minister to purchase the debt & furnish the money to France, the minister declared to him, that so far from throwing obstacles in the way, if there were any difficulty in the paiment of the money, it was the interest of Great Britain to aid it. 4. He speaks of a double set of opinions & principles; the one ostensible, to go on the journals & before the public, the other efficient, and the real motives to action. But where are these double opinions and principles? The executive informed the legislature of the wrongs of Spain, & that preparation should be made to repel them, by force, if necessary. But as it might still be possible to negotiate a settlement, they asked such means as might enable them to meet the negociation, whatever form it might take. The 1st part of this system was communicated publicly, the 2d privately; but both were equally official, equally involved the responsibility of the Executive, and were equally to go on the journals. 5. That the purchase of the Floridas was in direct opposition to the views of the executive, as expressed in the President's *official* communication. It was not in opposition even to the public part of the communication, which did not recommend war, but only to be prepared for it. It perfectly harmonized with the private part, which asked the means of negociation in such terms as covered the purchase of Florida as evidently as it was proper to speak it out. He speaks of

secret communications between the executive and members, of backstairs' influence, &c. But he never spoke of this while he and Mr. Nicholson enjoyed it almost solely. But when he differed from the executive in a leading measure, & the executive, not submitting to him, expressed it's sentiments to others, the very sentiments (to wit, the purchase of Florida) which he acknoleges they expressed to him, then he roars out upon backstairs' influence. 6. The committee, he sais, 'forbore to recommend offensive measures.' Is this true? Did not they recommend the raising —— regiments? Besides, if it was proper for the comee to forbear recommending offensive measures, was it not proper for the executive & Legislature to exercise the same forbearance? 7. He sais Monroe's letter had a most important bearing on our Spanish relations. Monroe's letter related, almost entirely, to our British relations. Of those with Spain he knew nothing particular since he left that country. Accordingly, in his letter he simply expressed an opinion on our affairs with Spain, of which he knew we had better information than he could possess. His opinion was no more than that of any other sensible man; & his letter was proper to be communicated with the English papers, & with them only. That the executive did not hold it up on account of any bearing on Spanish affairs, is evident from the fact that it was communicated when the Senate had not yet entered on the Spanish affairs, & had not yet received the papers relating to them from the other House. The moment the Representatives were ready to enter on the British affairs, Monroe's letter, which peculiarly

related to them, and was *official* solely as to them, was communicated to both Houses, the Senate being then about entering on Spanish affairs.

It remains now to consider on what authority these corrections of fact can be advanced without compromitting the Executive. It would seem to be best that the writer should assume the mask of a member of the Legislature. As to the 1st & 2d articles it might be said that although the instructions to the ministers for the Spanish negociation were never officially made known, yet that they were often the subject of conversation during the sessions at Washington, where it was understood that they were as above stated, however that if Decius pretends to know that they were not, let him bring forward his proofs, or avow the back-stairs information he received to the contrary. As to the 3d all the circumstances were freely mentioned by the different members of the administrn in conversations during the session which confirmed the Louisiana treaty. No secret was made of them. The 4th, 5th & 6th require no proofs but what are public. The 7th may be affirmed in the assumed character of a member, without any danger of it's being denied.

These, my dear Sir, are the principal facts worth correction. Make any use of them you think best, without letting your source of information be known. Can you send me some cones or seeds of the cucumber tree? Accept affectionate salutations, & assurances of great esteem & respect.

TO GEORGE MORGAN.[1]

MONTICELLO, Sep. 19, '06.

SIR,—Your favor of Aug. 29. came to hand on the 15th inst. I thank you for the information, which claims the more attention as it coincides with what has been learned from other quarters. Your situation and the knowledge you already possess would probably put it in your power to trace the footsteps of this enterprise on the public peace with more effect than any other with whom I could communicate. Whatever zeal you might think proper to use in this pursuit, would be used in fulfilment of the duties of a good citizen, and any communications you may be so good as to make to me on the subject shall be thankfully received, and so made use of as not to commit you any further than yourself may think proper to express. A knowledge of the persons who may reject,

[1] From a copy courteously furnished by Mr. George Plumner Smith, of Philadelphia. On June 26, 1822, Jefferson wrote to Mrs. Katharine Duane Morgan:

"I have duly received, dear Madam, your favor of the 10th with the eloquent circular and address to your patriotic and fair companions in good works. I well recollect our acquaintance with yourself personally in Washington, valued for your own merit as well as for that of your esteemed father. Your connection too with the family of the late Colo. Morgan is an additional title to my grateful recollections. He first gave us notice of the mad project of that day, which if suffered to proceed, might have brought afflicting consequences on persons whose subsequent lives have proved their integrity and loyalty to their country.

"The effort which is the subject of your letter is truly laudable, and, if generally followed as an example, or practised as a duty, will change very advantageously the condition of our fellow citizens, & do just honor to those who shall have taken the lead in it. No one has been more sensible than myself of the advantages of placing the consumer by the side of the producer, nor more disposed to promote it by example. But these are among the matters which I must now leave to them. Time, which wears all things, does not spare the energies either of body or mind of a presque Octogenaire. While I could, I

as well as of those who may accept parricide propositions will be peculiarly useful. Accept my salutations & assurances of esteem & respect.

TO THE SECRETARY OF STATE. J. MSS.

(JAMES MADISON.)

MONTICELLO, Sept. 23, 06.

DEAR SIR,—Yours by yesterday's post has been received, and I now return you the letters of Yznardi, Wilkinson, Cathcart, Clinton, Toulman & Turreau. In the answer to the latter I think it would be better to lay more stress on the constitutional bar to our furnishing the money, because it would apply in an occasion of peace as well as war. I submit to you therefore the striking out the words 'it is not &c.' within Crotchets ( ) in your draught & inserting "but in indulging these dispositions the President is bound to stop at the limits prescribed by our Constitution & law to the authorities placed in his hands. One of the limits is that 'no money shall be drawn from the Treasury but in consequence of appropriations made by law' & no law having made any appropriation of money for any purpose similar to that ex-

did what I could, and now acquiesce cheerfully in the law of nature which, by unfitting us for action, warns us to retire and leave to the generation of the day the direction of its own affairs. The prayers of an old man are the only contributions left in his power. Mine are offered sincerely for the success of your patriotic efforts, and particularly for your own individual happiness and prosperity."

On the same day that Jefferson wrote to George Morgan, he also wrote to John Nicholson:

"MONTICELLO, Sep. 19, 06.

"SIR,—I thank you for the information contained in your letter of the 6th inst. which merits attention the more as it coincides with information received from other quarters. It is certainly very interesting that we keep our eye on the proceedings of the persons who are the subjects of your letter, and should you be able to obtain any further information respecting them or their measures, besides fulfilling the duties of a patriotic citizen, you will confer an obligation on me, by communications from time to time of what you may learn. They shall be made no further use of than what you shall prescribe. Accept my salutations & assurances of respect."

pressed in your letter it lies of course beyond his constitutional powers. This insuperable bar renders it unnecessary to inquire whether the aid you request could be reconciled to" &c. But both as to the matter and form of this alteration, you will decide. I do not think the loan of our navy yard any more contrary to neutrality than that of our ports. It is merely admitting a ship to a proper station in our waters. But this may be a subject of future consultation. I send for your perusal two letters from Yznardi, and an anonymous one. The postmark on this last was Philadelphia, & you will be at no loss to conjecture it's Spanish source.

I still count on being with you on the 1st of Oct. & certainly feel no dispositions to be punctilious in the case you allude to. Doctr. Thornton & his family are here, & will be with you the first fair day. I salute you with affection & respect.

P. S. The death of Judge Patterson requires the nomination of a successor.

TO ALBERT GALLATIN. J. MSS.

WASHINGTON, Oct. 12, '06.

DEAR SIR,—You witnessed in the earlier part of the administration, the malignant & long-continued efforts which the federalists exerted in their newspapers, to produce misunderstanding between Mr. Madison & myself. These failed compleatly. A like attempt was afterwards made, through other channels, to effect a similar purpose between Genl Dearborne & myself, but with no more success. The machinations of the last session to put you at cross questions with us all, were so obvious as to be seen at the first glance of every eye. In order to destroy one member of the administration, the whole were to be set to loggerheads to destroy one another. I observe in the

papers lately. new attempts to revive this stale artifice, & that they squint more directly towards you & myself. I cannot therefore, be satisfied till I declare to you explicitly, that my affections & confidence in you are nothing impaired, & that they cannot be impaired by means so unworthy the notice of candid & honorable minds. I make the declaration, that no doubts or jealousies, which often beget the facts they fear, may find a moment's harbor in either of our minds. I have so much reliance on the superior good sense & candor of all those associated with me, as to be satisfied that they will not suffer either friend or foe to sow tares among us. Our administration now drawing towards a close, I have a sublime pleasure in believing it will be distinguished as much by having placed itself above all the passions which could disturb its harmony, as by the great operations by which it will have advanced the well-being of the nation.

Accept my affectionate salutations, & assurances of my constant & unalterable respect & attachment.

TO MERIWETHER LEWIS. J. MSS.

WASHINGTON, Oct. 20, 06.

I received, my dear sir, with unspeakable joy your letter of Sep. 23 announcing the return of yourself, Capt. Clarke & your party in good health to St. Louis. The unknown scenes in which you were engaged, & the length of time without hearing of you had begun to be felt awfully. Your letter having been 31 days coming, this cannot find you at Louisville & I therefore think it safe to lodge it at Charlottesville. Its only object is to assure you

of what you already know my constant affection for you & the joy with which all your friends here will receive you. Tell my friend of Mandane also that I have already opened my arms to receive him. Perhaps, while in our neighborhood, it may be gratifying to him, & not otherwise to yourself to take a ride to Monticello and see in what manner I have arranged the tokens of friendship I have received from his country particularly, as well as from other Indian friends: that I am in fact preparing a kind of Indian Hall. Mr. Dinsmore, my principal workman, will shew you everything there. Had you not better bring him by Richmond, Fredericksburg & Alexandria? He will thus see what none of the others have visited & the conveniences of the public stages will facilitate your taking that route. I salute you with sincere affection.

TO THE U. S. MINISTER TO GREAT BRITAIN. J. MSS.
(JAMES MONROE.)

WASHINGTON, Oct. 26, 06.

DEAR SIR,—I see with great concern that unavoidable delays are likely still to procrastinate your negotiations beyond what had been expected: & I sincerely regret the particular circumstance to which this is owing, the illness, probably the death of Mr. Fox. His sound judgment saw that political interest could never be separated in the long run from moral right, & his frank & great mind would have made a short business of a just treaty with you. I fear that one of those appointed to negotiate with you is too much wedded to the antient maritime code & navigation principles of England, too much practised in the tactics of diplomacy, to expect either an early or just result. If it is not concluded early in December, from the known length of passages in that season, it cannot be here before Congress will be over (March 4) and then it cannot be ratified till December twelve months, because it will probably contain articles which will bring it within the constitutional rights of the H. of R. In that case the non-importation law, and the extensions of it which cannot be avoided at the ensuing session, will have a long run, and an unfavorable influence on the popular temper of both countries.

You know the interregnum after the 4th of March till the elections are completed, the utter repugnance of members to be here in the sickly months from July to Sep., and that moreover the public expense & private inconvenience of the members absolutely forbid any special convocation of them. You may therefore proceed on the fact that if a treaty be not ratified before the 4th of March, it will not be until December twelve month. Believing that this letter will still find you in England & having occasion for some mathematical instruments, I take the liberty of troubling you with the inclosed commission to Mr. Jones an instrument maker in Holborn. What the cost of them will be is unknown to me: and having no money correspondent in London I have ventured to say to him you will pay his bill. It will be somewhere between 10 & 15 guineas: but whatever it be it shall be repaid you on your landing in the U. S. and may be therefore considered as so much brought over in your pocket for use in the first moments of your return. I would wish you to bring the packet with the seed from Jones with you on your return. If you would prefer drawing on me for the amount in favor of any person here, it shall be paid at sight.

To prevent that depression of spirits which experience has taught me to expect on returning after a long absence from one's home, and that you may be prepared & fortified for a discouraging view, I will just observe to you that our neighborhood considers your manager Mr. Lewis as one of the honestest & best men in the world, but the poorest manager. They think he has not made your estate maintain itself, & that you will find it unprovided with present subsistence. Nobody has made this season half a year's provision of corn & your estate less than most others: & it is said there is no stock of any kind remaining on the farm for your immediate subsistence. To restock the farm with bread, requires a year, & with animals 2 or 3 years. A previous communication of these circumstances (if you have received them from no other) will enable you to come prepared to meet them. You will have heard of the death of Chancellor Wythe. I recollect no other personal incident which may interest you. Present my friendly respects to Mrs. Monroe and your daughter and be assured yourself of my constant & affectionate esteem & attachment.

TO ANDREW ELLICOTT. J. MSS.

WASHINGTON, Nov. 1, 1806.

DEAR SIR,—Your letter of Aug. 18 with the account of the eclipse you were so kind as to inclose, found me at Monticello & I meant to have acknoledged it immediately on my arrival here, but I found on my return such an accumulation of business, that altho your letter has continued on my file of *those to be answered*, I have not been able to get to it till now. I thank you for the communication of your observations of the eclipse. Fortune seems to have favored every other place but this with a fair view of it. This spot was covered by a dense cloud through the whole of it's duration, & for some time before & after. I hope the great extent of the path of this eclipse round the globe, & especially thro' our states will furnish many useful corrections of our longitudes. Capt. Lewis will bring us a treasure in this way.

Your opinions of intolerance are mine. When I entered on office, after giving a very small participation in office to republicans by removal of a very few federalists, selected on the very principle of their own intolerance while in office, I never meant to have touched another, but to leave to the ordinary accidents to make openings for republicans, but the vindictive, indecent & active opposition of some individuals has obliged me from time to time to disarm them of the influence of office. But that such a spirit of intolerance should arise between the different sections of republicans, furnishes a poor presage of future tranquility. Of the unhappy effects of the schisms in

Pennsylva and N. York, you see the fruit in the state lying between them, where the federalists have recovered a majority in one branch of the legislature, are very near it in the other, & as soon as they shall reach it, they place the executive & every office under it in federal hands. If the two sections of republicans were irreconcileable, still the minor one should not have coalesced with, and voted for federalists. If on the contrary they would keep themselves independent & set up their own ticket, their whole body would come forward & vote, which would give them the benefit of that part of their force which kept back because it could not support federalists, and the federalists themselves having no hope of bringing in men of their own would have to chuse between the two republican tickets that least disagreeable to themselves. This would only bring into the public councils the different shades of republicans so that the whole body should be represented.

For my part I determined from the first dawn of the first schism never to take part in any schism of republicans, nor in distributing the public trusts ever to ask of which section a party was. The port of retirement is now within sight, it is viewed with longing eyes, and my greatest consolation in it will be the undivided approbation of those with whom, & for whom I have labored. Accept my friendly salutations & the assurances of my respect.

PROCLAMATION AGAINST BURR'S PLOT. J. MSS.

[Nov. 27, 1806]

Whereas information has been received that sundry persons, citizens of the U. S. or resident within the same, are conspiring & confederating together to begin & set on foot, provide & prepare the means for a military expedition or enterprise against the dominions of Spain, against which nation war has not been declared by the constitutional authority of the U. S.; that for this purpose they are fitting out & arming vessels in the western waters of the U. S., collecting provisions, arms, military stores & other means; are deceiving & seducing honest & well meaning citizens under various pretences to engage in their criminal enterprises; are organizing, officering & arming themselves for the same, contrary to the laws in such cases made & provided, I have therefore thought fit to issue this my proclamation, warning and enjoining all faithful citizens who have been led to participate in the sd unlawful enterprises without due knolege or consideration to withdraw from the same without delay & commanding all persons whatsoever engaged or concerned in the same to cease all further proceedings therein as they will answer the contrary at their peril, and will incur prosecution with all the rigors of the law. And I hereby enjoin and require all officers civil or military, of the U. S. or of any of the states or territories, & especially all governors, & other executive authorities, all judges, justices, and other officers of the peace, all military officers of the army or navy of the U. S., & officers of the militia, to be vigilant, each within his respective department and according to his functions in searching out & bringing to condign punishment all persons engaged or concerned in such enterprise and in seizing & detaining subject to the dispositions, of the law all vessels, arms, military stores, or other means provided or providing for the same, & in general in preventing the carrying on such expedition or enterprise by all the lawful means within their power. And I require all good & faithful citizens, and others within the U. S. to be aiding & assisting herein & especially in the discovery, apprehension, & bringing to justice, of all such offenders, and in the giving information against them to the proper authorities.

In testimony whereof I have caused the seal of the U. S. to be affixed to these presents & have signed the same with my hand. Given at the city of Washington on the 27th day of November 1806 and of the sovereignty & independence of the U. S. the 31st.

SIXTH ANNUAL MESSAGE.[1]

December 2, 1806.

To the Senate and House of Representatives of the United States in Congress assembled:

It would have given me, fellow citizens, great satisfaction to announce in the moment of your meeting that the difficulties in our foreign relations, existing at the time of your last separation,

[1] On Nov. 14, 1806, Jefferson wrote to Gallatin:

"1. As to the 500 cavalry. If we have peace with Spain, we shall not want them; if war, all our plans must be new moulded. It is, therefore, only *during the present unsettled state*. This cannot exceed six months from October 1, about which time they probably went into service. This will cost 100,000 D. The proposing to Congress to establish them during the present unsettled state of things is merely to show Spain, that we seriously mean to take justice if she will not do it. The men are in service under a previous law. This is the only extra expense I contemplate to meet the present state. Mr. Smith proposes to ask only the ordinary annual appropriation.

"2. As to the salt tax. If that and the Mediterranean fund, continued to the end of 1808, will pay the Florida purchase, suppose the act of commutation lets the salt tax run to the end of 1807,—will not its amount for 1808 be made up by the increase of impost and land sales beyond calculation, and the sweepings of the Treasury? or if they still leave a deficit, would not the perpetuity of the Mediterranean fund enable us to anticipate enough for the deficit?

"3. The university. This proposition will pass the States in all the winter of 1807–8, and Congress will not meet, and consequently cannot act on it, till the winter of 1808–9. The Florida debt will therefore be paid off before the university can call for anything.

"The only difficulty in the whole, then, seems to be the amount of the salt tax for 1808, which I am in hopes will not be insuperable."

Other papers relating to this message are as follows:

Madison's Memoranda.

(Indorsed: "Received Nov. 16, 06. Mesnge.")

"Foreign Relations. Insert 'since' before 'taken place' at the beginning of line 11. The preceding delay did not altogether proceed from events indo-

had been amicably and justly terminated. I lost no time in taking those measures which were most likely to bring them to such a termination, by special missions charged with such powers and instructions as in the event of failure could leave no imputation on either our moderation or forbearance. The delays which have since taken place in our negotiations with the British government appears to have proceeded from causes which do not forbid the expectation that during the course of the session I may be enabled to lay before you their final issue. What will be that of the negotiations for settling our differences with Spain, nothing which had taken place at the date of the last despatches enables us to pronounce. On the western side of the Mississippi she advanced in considerable force, and took post at the settlement of Bayou Pierre, on the Red river. This village was

pendent of the will of one of the parties, and those who are chargeable with it, ought not to be acquitted of the consequences. Perhaps the following change of the whole sentence would answer. 'The delays which have since taken place in our negotiations with the British govt appear to have proceeded from causes which leave me in expectation that &c.'

"Spain. Instead of Spain has 'consented' &c., it might be better to say Spain has taken steps preparatory to the negotiation at Paris in which our ministers are authorized to meet her. The term used may seem to imply a proposition from the U. S. wch was consented to.

"In the penult line of p. 1. For 'hope of friendly settlement' perhaps 'course of friendly negotiation' might be a more suitable expression. Such a change however cannot be material if proper.

"The last instructions to Wilkinson do not assume the Sabine as the essential line of separation for the troops. They authorize him to settle a provisional line, and in no event to pass himself beyond that river. It may be well therefore to vary the sentence on that point so as to run 'in that quarter to maintain a temporary line, separating the troops of the two nations & to permit no new settlement or post to be taken eastward of the Sabine river.'

"Would it not be well to allude to a continuance of our friendly standing with France, & the other belligerent nations, or generally with other nations of Europe.

"New Orleans. Instead of 'to secure that point by *all the means in our power*' —'to provide for that point a more adequate security.'

"Insurrections. This paragraph suggests several legal questions; such as whether in strictness any *preventive* measures are consistent with our principles except security for the peace & good behavior. Whether this remedy is not already applicable to the case in question, where a preparation of force justifies

originally settled by France, was held by her as long as she held Louisiana, and was delivered to Spain only as a part of Louisiana. Being small, insulated, and distant, it was not observed, at the moment of redelivery to France and the United States, that

a suspicion of criminal intention, and whether the existing provision for the case of an enterprise meditated vs. a foreign nation is not rather penal agst a crime actually committed by the preparation of means with such an intention, than *preventive* of the actual commission of a crime. To guard agst the criticisms which may be founded on these questions, some such change as the following is suggested for consideration:

"'For those crimes when actually committed the laws make provision. Would it not moreover be salutary to provide for cases where the means of force are prepared only for a meditated enterprise agst the U. S. as has been done for cases where the enterprise is meditated by private individuals against a foreign nation? It merits consideration also whether the preventive process of binding to the observance of the peace and good behaviour ought not to be expressly extended to acts without the limits of the U. S. in cases where the acts are contrary to law and there is sufficient ground for suspecting the intention to commit them.'

"This change is suggested on the supposition that the occasion requires a paragraph should be addressed to Congress; manifestly alluding to the late information &c. Perhaps the question may be decided with the advantage of new lights from the westward in time for the message.

"Barbary. 'The late mission' may be equivocal or obscure. 'With Tunis alone some uncertainty remains' would perhaps be sufficient.

"Missouri. The tenor of this paragraph ought to be such as to give as little topic as possible for foreign jealousy or complaint; especially as we are not prepared to say that the expedition did not enter limits within which Spain has real or plausible claims. It is *certain* that it will be presented to Spain as a measure at which she has a right to take offence. The paragraph might better parry the inconvenience, by being made less particular & by avoiding any allusion to the uses to which the *Pacific country* may be applied.

"Red River. 'Nearly as far as the French establishments &c' has the advantage of suggesting a plausible reason for not going on: but may it not also imply that those establishments were the limit to our claim?

"Mississippi. The survey of the Mississippi furnished, certainly, a very apt occasion for bringing into view our legitimate boundaries in the latitude 49; but as the mere assertion by ourselves will not strengthen our title, and may excite British sensations unseasonably, it may be doubted whether that much of the paragraph had not as well be omitted.

"University &c. The denounciation of standing armies, navies, & fortifications cannot be better expressed, if there be no room to apprehend that so emphatic a one may not at the present juncture embolden the presumption in

she continued a guard of half a dozen men which had been stationed there. A proposition, however, having been lately made by our commander-in-chief, to assume the Sabine river as a temporary line of separation between the troops of the two nations

foreign nations that an insuperable aversion to those objects guarantees the infinity of their insults and aggressions.

"'Arts, Manufactures & other objects of public improvement,' seem to give latitude nearly equivalent to 'general welfare' afterwards suggested to be too dangerous to remain a part of the Constitution. '& other objects of public improvement which it may be thought proper to specify' would avoid the inconsistency.

"After 'the present state of our country' might be added 'and with the aid of the sale of public lands would be adequate to Roads & Canals also.'

"Instead of 'sweep away all restraints &c.'—'demolish the essential barriers between the General & the State Govts.'

"Conclusion 'as far as they are capable of defence' suggests a disagreeable and impolitic idea. 'Preparations for the defence &c.' without that expression, will suffice. This member of the sentence ought to be separated from the succeeding ones, which do not &c., not being like these without expense till called into actual use.

"It does not seem correct to say that war is forced on us by vain appeals to the justice of other nations. In spite of appeals &c., or some such turn to the expression would obviate the criticism."

The Secretary of War in answer to a letter from the President of Nov. 17, wrote:

"H. Dearborn has looked over & considered the inclosed, without observing anything that he can consider as a defect, or requiring alteration."

Gallatin's Notes.

(Indorsed: "Received Nov. 16, 06, Message.")

"1st page. Foreign Relations 'could leave no imputation on either our moderation or forbearance.' The plan determining the Spanish differences by the purchase of Florida, will, if successful, prove highly advantageous to the United States, but is ill relished by Spain and in case of failure will not *alone* afford proofs of moderation or forbearance. These must be found in the contingent instructions given to our ministers in case they should fail in the principal object. What have these been? And do they fully justify the assertion? I have not seen them & mention this merely for consideration. [The ultimatum of our instructions is, 1. satisfaction for spoliations, & 2. silence as to limits, leaving each party to pursue it's own course as to these. *Insert by T. J.*]

"England. 'Whether this (*issue*) will be such as &c. must depend on that issue.' There is some inaccuracy in the construction of that sentence, the

until the issue of our negotiations shall be known ; this has been referred by the Spanish commandant to his superior, and in the meantime, he has withdrawn his force to the western side of the Sabine river. The correspondence on this subject, now

meaning of which is that the necessity of the repeal or reinforcement &c. depends on the issue of the negotiations.

" Spain. ' has consented to meet us &c.' Is the fact positively asserted by Mr. Armstrong? Mr. Erving in his last letter denies it.

" 2d page. ' and to permit no new settlement or post to be taken within it.' The last instructions permit as an ultimatum & under certain circumstances the maintenance of the *increased* force at Bayou pierre. But the whole of this paragraph will probably require some modification if the intelligence of an arrangement between Wilkinson and Herrada proves true.

" Army. Might not the words ' in other respects our,' or some to that effect be substituted to ' our regular.' For it seems to me that the continuance of a corps of cavalry by *voluntary enlistment* & for the term stated in the preceding paragraph is to all intents an increase of regular force as contradistinguished from militia or volunteers.

" New Orleans. I would omit the words ' perhaps the present fort of Plaquemine.' 1st. In order to avoid unnecessary commitment of opinion. 2dly. Because Plaquemine is not, I believe, below all the firm lands. Observe also that the approaches by Lake Ponchartrain must be defended as well as those by the Mississippi.

" 3d page. Fortifications. Substitute *a* for *some ;* as this last expression may be construed into an evidence of disregard for that mode of defence. And considering the lively interest felt in a certain quarter on that question and the use made of it, is it necessary to speak of that object in terms as decisive as those used at the end of page 78? Might not these last be omitted or modified?

" 4th page. Insurrection. If the information received is not sufficiently decisive to affix criminality to certain individuals, the word ' are ' at the end of 4th line may be omitted ; but if the proofs received, without being legal evidence, are sufficient to impress a conviction that the object was of an internal nature, the word should remain.

" ' Where an enterprise is *meditated* &c.' The following paragraph shews that there are cases in which the powers of prevention given by the laws are not sufficient against enterprises meditated against foreign nations. On that account, & because it appears important, considering the Miranda's expedition, not to impress too forcibly the opinion that those powers are really sufficient, I would suggest not only to substitute another word to ' meditated,' but to place the defect of the existing laws in that respect in a more prominent point of view than is done by the following paragraph. This may perhaps be affected by making that subject a distinct head instead of mentioning it incidentally

communicated, will exhibit more particularly the present state of things in that quarter.

The nature of that country requires indispensably that an unusual proportion of the force employed there should be cavalry

and by indicating it in more general terms. For pointing out a single particular defect seems to diminish its importance. *Quere* Whether some more direct allusion to Miranda's expedition would not be politick & practicable?

"Indians. 'We have nothing to fear from that quarter.' The assurance seems too positive as danger may arise from causes not under our controul, such as the intrigues of Spanish agents to the south & of British traders on the northwest.

"5th and 6th pages. Red River. Mississippi. The details seem comparatively too long, both in relation to the other parts of the message generally & to the Missouri expedition. But I would, at all events avoid a commitment respecting the northern boundary of either Louisiana or the U. States. The boundary fixed by the Treaty of Utrecht might be & probably was intended for Canada rather than for Louisiana; and Crozat's charter expressly limits the last province to the 45th degree of latitude. As to the U. States, we have conceded that a parallel westwdly from the Lake of the Woods was not our necessary boundary, and have agreed heretofore to a straight line from that lake to the source of the Mississippi.

"7th page. Salt tax. This has never amounted to 600,000 dollars & averages about 550,000. The Mediterranean fund at present & whilst the European war continues is worth almost a million. The words 'not materially different in amount' are not therefore correct. Observe also that 2/5 of the salt tax, 8 cents per bushel, expire on 3d March, 1811. We may dispense with the whole of it from the present time, or say from 1 July next, provided the Medit fund be continued only for 2 years longer or till 1 Jany. 1809. If circumstances should then render a further continuation necessary it may then be again extended. I would, on the whole, propose to suppress the words 'not materially different in amount,' and that the next line should read 'by continuing for a limited time the Medit fund.'

"University. 'They cannot then be applied to the extinguishment &c.' I would wish that between the words *then* & *the* the following should be inserted 'without a modification assented to by the public creditors.' Or that the idea should be inserted in some other way in the paragraph. It will be consistent with the opinion expressed that the extinguishment &c. & liberation &c. are *the most desirable of all objects*, and Congress have now under consideration a plan for the purpose which I submitted last session & was postponed because reported too late by the Comee of Ways & Means.

"On Fortifications &c. This is the paragraph which I think might without injury to the sense be omitted.

"8th page. 'To be partitioned among the states in a federal & just ratio.'

or mounted infantry. In order, therefore, that the commanding officer might be enabled to act with effect, I had authorized him to call on the governors of Orleans and Mississippi for a corps of five hundred volunteer cavalry. The temporary arrangement he has proposed may perhaps render this unnecessary. But I inform you with great pleasure of the promptitude with which the inhabitants of those territories have tendered their services in defence of their country. It has done honor to themselves, entitled them to the confidence of their fellow-citizens in every part of the Union, and must strengthen the general determination to protect them efficaciously under all circumstances which may occur.

Would it not be best to omit these words, as neither improvements nor education can ever in practice be exactly partitioned in that manner? And the suggestion might embarrass or defeat the amendment when before the House.

"'*The surplusses indeed which will arise* &c.' It may be observed on whatever relates to the connection between those surplusses & the proposed improvements & university, 1st that, war excepted, the surplusses will, certainly & under any circumstance, even while the debt will be in a course of payment, be after 1 January 180 sufficient for any possible improvement. I have no doubt that they will amount to at least 2 millions a year and if no modification in the debt takes places to nearly five. 2dly. That it will take at least the two intervening years to obtain an amendment, pass the laws designating improvements and make the arrangements preparatory to any large expense. 3rdly. That the existing surplusses are at this moment sufficient for any university or national institute. But the whole of this part of the message rests on the supposition that a longer time must elapse before we are ready for any considerable expenditure for improvements, and that we would not be able to meet even that for the University before the time which must elapse in obtaining an amendment. The general scope of this part of the message seems also to give a preference to the University over general improvements: and it must not be forgotten, apart from any consideration of their relative importance, that the last proposition may probably be popular & that the other, for university, will certainly be unpopular. I think indeed that the only chance of its adoption arises from the ease with which funds in public lands may be granted. It appears to me therefore that the whole of that part from the words above quoted 'the surplusses indeed &c' to the words 'to which our funds may become equal' should undergo a revisal: introducing in the same place the substance of the last paragraph of the 9th page respecting a donation of lands, which seems to be misplaced where it now stands. If a total revision is not approved, the following alterations are suggested.

"Erase from 'the surplusses' in 15th line to 'first' inclusively in 18th line;

Having received information that in another part of the United States a great number of private individuals were combining together, arming and organizing themselves contrary to law, to carry on military expeditions against the territories of Spain, I thought it necessary, by proclamations as well as by special orders, to take measures for preventing and suppressing this enterprise, for seizing the vessels, arms, and other means provided for it, and for arresting and bringing to justice its authors and abettors. It was due to that good faith which ought ever to be

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and insert 'the surplusses are already at this moment adequate to' or words to that effect.'

"Erase from 'to such' in 8th line from bottom to the end of the page and insert, 'But whether our views be restrained.'

"9th. page. To the word 'may' in 2d line substitute 'will soon,' and in 3d line between 'equal' & 'I' substitute a comma to a full stop.

"Would it not be better to stop, when speaking of the amendment at the words 'to be applied' 7th line? It would avoid a discussion on the words 'general welfare:' And it must be observed that if even those words had the greatest extent in the constittn of which they are susceptible vixt that Congress had power to raise taxes &c for every purpose, which they might consider producive of public welfare, yet that would not give them the power to open roads, canals through the several states. The first reason given that the objects now recommended are not among those enumerated &c. is conclusive and seems sufficient. At all events I would suppress the paragraph which suggests an amendment to erase from the constitution those words as questionable in its nature & because the proposition seems to acknowledge that the words are susceptible of a very dangerous meaning."

Gallatin to Jefferson.

"November 23, 1806.

"The words 'ere long' and 'systems of fortifications' were omitted by oversight in correcting the copy I sent you yesterday, I had made both these amendments in the original. But I have struck out the passage about fortifications altogether, for the principle that where there is a difference of opinion it is better to say too little than too much. Affectionate salutations."

Madison's Notes.

(Indorsed: "Received Nov. 29, 06. Message.")

"that whilst the public force was acting strictly on the defensive, & merely to protect our citizens from aggression, the criminal attempts of private individuals to decide for their country the question of peace or war, by commencing active and unauthorized hostilities ought to be promptly and effectually suppressed."

the rule of action in public as well as in private transactions; it was due to good order and regular government, that while the public force was acting strictly on the defensive and merely to protect our citizens from aggression, the criminal attempts of private individuals to decide for their country the question of peace or war, by commencing active and unauthorized hostilities, should be promptly and efficaciously suppressed.

Whether it will be necessary to enlarge our regular force will depend on the result of our negotiation with Spain; but as it is uncertain when that result will be known, the provisional measures requisite for that, and to meet any pressure intervening in that quarter, will be a subject for your early consideration.

The possession of both banks of the Mississippi reducing to a single point the defence of that river, its waters, and the country adjacent, it becomes highly necessary to provide for that point a more adequate security. Some position above its mouth, commanding the passage of the river, should be rendered sufficiently strong to cover the armed vessels which may be stationed there for defence, and in conjunction with them to present an insuperable obstacle to any force attempting to pass. The approaches to the city of New Orleans, from the eastern quarter also, will require to be examined, and more effectually guarded. For the internal support of the country, the encouragement of a strong settlement on the western side of the Mississippi, within reach of New Orleans, will be worthy the consideration of the legislature.

The gun-boats authorized by an act of the last session are so advanced that they will be ready for service in the ensuing spring. Circumstances permitted us to allow the time necessary for their more solid construction. As a much larger number will still be wanting to place our seaport towns and waters in that state of defence to which we are competent and they entitled, a similar appropriation for a further provision for them is recommended for the ensuing year.

A further appropriation will also be necessary for repairing fortifications already established, and the erection of such works as may have real effect in obstructing the approach of an enemy to our seaport towns, or their remaining before them.

In a country whose constitution is derived from the will of the

people, directly expressed by their free suffrages ; where the principal executive functionaries, and those of the legislature, are renewed by them at short periods ; where under the characters of jurors, they exercise in person the greatest portion of the judiciary powers ; where the laws are consequently so formed and administered as to bear with equal weight and favor on all, restraining no man in the pursuits of honest industry, and securing to every one the property which that acquires, it would not be supposed that any safeguards could be needed against insurrection or enterprise on the public peace or authority. The laws, however, aware that these should not be trusted to moral restraints only, have wisely provided punishments for these crimes when committed. But would it not be salutary to give also the means of preventing their commission ? Where an enterprise is meditated by private individuals against a foreign nation in amity with the United States, powers of prevention to a certain extent are given by the laws ; would they not be as reasonable and useful were the enterprise preparing against the United States ? While adverting to this branch of the law, it is proper to observe, that in enterprises meditated against foreign nations, the ordinary process of binding to the observance of the peace and good behavior, could it be extended to acts to be done out of the jurisdiction of the United States, would be effectual in some cases where the offender is able to keep out of sight every indication of his purpose which could draw on him the exercise of the powers now given by law.

The states on the coast of Barbary seem generally disposed at present to respect our peace and friendship ; with Tunis alone some uncertainty remains. Persuaded that it is our interest to maintain our peace with them on equal terms, or not at all, I propose to send in due time a reinforcement into the Mediterranean, unless previous information shall show it to be unnecessary.

We continue to receive proofs of the growing attachment of our Indian neighbors, and of their disposition to place all their interests under the patronage of the United States. These dispositions are inspired by their confidence in our justice, and in the sincere concern we feel for their welfare ; and as long as we discharge these high and honorable functions with the integrity

and good faith which alone can entitle us to their continuance, we may expect to reap the just reward in their peace and friendship.

The expedition of Messrs. Lewis and Clarke, for exploring the river Missouri, and the best communication from that to the Pacific ocean, has had all the success which could have been expected. They have traced the Missouri nearly to its source, descended the Columbia to the Pacific ocean, ascertained with accuracy the geography of that interesting communication across our continent, learned the character of the country, of its commerce, and inhabitants; and it is but justice to say that Messrs. Lewis and Clarke, and their brave companions, have by this arduous service deserved well of their country.

The attempt to explore the Red river, under the direction of Mr. Freeman, though conducted with a zeal and prudence meriting entire approbation, has not been equally successful. After proceeding up it about six hundred miles, nearly as far as the French settlements had extended while the country was in their possession, our geographers were obliged to return without completing their work.

Very useful additions have also been made to our knowledge of the Mississippi by Lieutenant Pike, who has ascended to its source, and whose journal and map, giving the details of the journey, will shortly be ready for communication to both houses of Congress. Those of Messrs. Lewis and Clarke, and Freeman, will require further time to be digested and prepared. These important surveys, in addition to those before possessed, furnish materials for commencing an accurate map of the Mississippi, and its western waters. Some principal rivers, however, remain still to be explored, toward which the authorization of Congress, by moderate appropriations, will be requisite.

I congratulate you, fellow-citizens, on the approach of the period at which you may interpose your authority constitutionally, to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country, have long been eager to proscribe. Although no

law you may pass can take prohibitory effect till the first day of the year one thousand eight hundred and eight, yet the intervening period is not too long to prevent, by timely notice, expeditions which cannot be completed before that day.

The receipts at the treasury during the year ending on the 30th of September last, have amounted to near fifteen millions of dollars, which have enabled us, after meeting the current demands, to pay two millions seven hundred thousand dollars of the American claims, in part of the price of Louisiana; to pay of the funded debt upward of three millions of principal, and nearly four of interest; and in addition, to reimburse, in the course of the present month, near two millions of five and a half per cent. stock. These payments and reimbursements of the funded debt, with those which have been made in the four years and a half preceding, will, at the close of the present year, have extinguished upwards of twenty-three millions of principal.

The duties composing the Mediterranean fund will cease by law at the end of the present season. Considering, however, that they are levied chiefly on luxuries, and that we have an impost on salt, a necessary of life, the free use of which otherwise is so important, I recommend to your consideration the suppression of the duties on salt, and the continuation of the Mediterranean fund, instead thereof, for a short time, after which that also will become unnecessary for any purpose now within contemplation.

When both of these branches of revenue shall in this way be relinquished, there will still ere long be an accumulation of moneys in the treasury beyond the instalments of public debt which we are permitted by contract to pay. They cannot, then, without a modification assented to by the public creditors, be applied to the extinguishment of this debt, and the complete liberation of our revenues—the most desirable of all objects; nor, if our peace continues, will they be wanting for any other existing purpose. The question, therefore, now comes forward,—to what other objects shall these surpluses be appropriated, and the whole surplus of impost, after the entire discharge of the public debt, and during those intervals when the purposes of war shall not call for them? Shall we suppress the impost and give that advantage to foreign over domestic manufactures? On a few

articles of more general and necessary use, the suppression in due season will doubtless be right, but the great mass of the articles on which impost is paid is foreign luxuries, purchased by those only who are rich enough to afford themselves the use of them. Their patriotism would certainly prefer its continuance and application to the great purposes of the public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper to add to the constitutional enumeration of federal powers. By these operations new channels of communication will be opened between the States; the lines of separation will disappear, their interests will be identified, and their union cemented by new and indissoluble ties. Education is here placed among the articles of public care, not that it would be proposed to take its ordinary branches out of the hands of private enterprise, which manages so much better all the concerns to which it is equal; but a public institution can alone supply those sciences which, though rarely called for, are yet necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation. The subject is now proposed for the consideration of Congress, because, if approved by the time the State legislatures shall have deliberated on this extension of the federal trusts, and the laws shall be passed, and other arrangements made for their execution, the necessary funds will be on hand and without employment. I suppose an amendment to the constitution, by consent of the States, necessary, because the objects now recommended are not among those enumerated in the constitution, and to which it permits the public moneys to be applied.

The present consideration of a national establishment for education, particularly, is rendered proper by this circumstance also, that if Congress, approving the proposition, shall yet think it more eligible to found it on a donation of lands, they have it now in their power to endow it with those which will be among the earliest to produce the necessary income. This foundation would have the advantage of being independent on war, which may suspend other improvements by requiring for its own purposes the resources destined for them.

This, fellow citizens, is the state of the public interest at the

present moment, and according to the information now possessed. But such is the situation of the nations of Europe, and such too the predicament in which we stand with some of them, that we cannot rely with certainty on the present aspect of our affairs that may change from moment to moment, during the course of your session or after you shall have separated. Our duty is, therefore, to act upon things as they are, and to make a reasonable provision for whatever they may be. Were armies to be raised whenever a speck of war is visible in our horizon, we never should have been without them. Our resources would have been exhausted on dangers which have never happened, instead of being reserved for what is really to take place. A steady, perhaps a quickened pace in preparations for the defence of our seaport towns and waters; an early settlement of the most exposed and vulnerable parts of our country; a militia so organized that its effective portions can be called to any point in the Union, or volunteers instead of them to serve a sufficient time, are means which may always be ready yet never preying on our resources until actually called into use. They will maintain the public interests while a more permanent force shall be in course of preparation. But much will depend on the promptitude with which these means can be brought into activity. If war be forced upon us in spite of our long and vain appeals to the justice of nations, rapid and vigorous movements in its outset will go far toward securing us in its course and issue, and toward throwing its burdens on those who render necessary the resort from reason to force.

The result of our negotiations, or such incidents in their course as may enable us to infer their probable issue; such further movements also on our western frontiers as may show whether war is to be pressed there while negotiation is protracted elsewhere, shall be communicated to you from time to time as they become known to me, with whatever other information I possess or may receive, which may aid your deliberations on the great national interests committed to your charge.

SPECIAL MESSAGE ON GREAT BRITAIN.[1]

December 3, 1806.

To the Senate and House of Representatives of the United States:

I have the satisfaction to inform you that the negotiation depending between the United States and the government of Great Britain is proceeding in a spirit of friendship and accommodation which promises a result of mutual advantage. Delays indeed have taken place, occasioned by the long illness and subsequent death of the British minister charged with that duty. But the commissioners appointed by that government to resume the negotiation have shown every disposition to hasten its progress. It is, however, a work of time, as many arrangements are necessary to place our future harmony on stable grounds. In the meantime, we find by the communications of our plenipotentiaries, that a temporary suspension of the act of the last session prohibiting certain importations, would, as a mark of candid disposition on our part, and of confidence in the temper and views with which they have been met, have a happy effect on its course. A step so friendly will afford further evidence that all our proceedings have

[1] In the Jefferson papers is the following draft:

"*Madison: Notes.*"

Indorsed: "Message British. Rec. Nov. 27."

"I have the satisfaction to inform you that the negotiation on foot between the U. States & the govt of G. B. is proceeding in a spirit of friendship & accommodation which promises a result of mutual advantage. The delays which have taken place are to be regretted; but as they were occasioned by the long illness which ended in the death of the British Minister charged with that duty, they could not have been foreseen nor taken into calculation; and it appears that the commissioners appointed to resume the negotiation, have shown every disposition to hasten its progress. Under these circumstances our special ministers recommend a suspension of the acts prohibiting certain importations the commencement of which was postponed till the 15th of last month when it went into operation, and assured us that such a mark of candor and confidence in the temper & views with which they have been met in the negotiation will have a happy effect on the course of it; whilst a disregard of that friendly consideration may have a different tendency. Considering that justice & conciliation have been the real objects of all our measures, and that whatever will promote them will be most conformable to our wishes & our interests, I cannot but join in the recommendation that the operation of the act be suspended for such additional term as may be deemed reasonable. It is not known here &c."

flowed from views of justice and conciliation, and that we give them willingly that form which may best meet corresponding dispositions.

Add to this, that the same motives which produced the postponement of the act till the fifteenth of November last, are in favor of its further suspension; and as we have reason to hope that it may soon yield to arrangements of mutual consent and convenience, justice seems to require that the same measure may be dealt out to the few cases which may fall within its short course, as to all others preceding and following it. I cannot, therefore, but recommend the suspension of this act for a reasonable time, on considerations of justice, amity, and the public interests.

TO CÆSAR A. RODNEY. J. MSS.

WASHINGTON, Dec. 5, 06.

DEAR SIR,—I have not sooner been able to acknolege the receipt of your favors of the 21st & 29th ult. and to thank you for the communication of the letters they covered, & which are now re-inclosed. The designs of our Catèline are as real as they are romantic, but the parallel he has selected from history for the model of his own course corresponds but by halves. It is true in it's principal character, but the materials to be employed are totally different from the scourings of Rome. I am confidant he will be compleatly deserted on the appearance of the proclamation, because his strength was to consist of people who had been persuaded that the government connived at the enterprise. However we have not trusted to this weapon alone. Altho' we shall possibly come to blows with Spain, it will accelerate the treaty instead of preventing it. The appointment of a successor to judge Patterson was bound up by rule. The last judiciary

system requiring a judge for each district, rendered it proper that he should be of the district. This has been observed in both the appointments to the supreme bench made by me. Where an office is local we never go out of the limits for the officer. Accept my friendly salutations & assurances of great esteem & respect.

TO THE SECRETARY OF WAR. J. MSS.

(HENRY DEARBORN.)

Dec. 12, 06.

Th. Jefferson returned to General Dearborn yesterday the letter of Mr. John Randolph, to which he thinks some of the following ideas might enter into the answer; to wit that the military establishment of the U. S. being known, it is only necessary to observe that it is nearly full; that a considerable portion of it is necessarily retained at the several forts & posts of the U. S. to preserve them & the property at them; that all the residue were on the line of frontier between the U. S. & the Spanish dominions, under the command of Genl. Wilkinson, who has also authority to call on the territories of Orleans & Mississippi for militia that the force which Spain has on the Sabine has been represented as amounting to 1500 men, but it is believed to be considerably below that; that it is impossible to say what force she can bring from her extensive dominions West & South of us or from beyond sea; probably the less on account of the war in which she is engaged, & which endangers other parts of her possessions; that the President in his message of Dec. 2 expressed his ideas of the means of protecting our citizens in the commencement of a war & until time could be given for raising regulars; but that the right of deciding on these being with the legislature, he will rely on those means which they shall think it most expedient to provide &c. &c.

TO THE SECRETARY OF THE TREASURY. J. MSS.
(ALBERT GALLATIN.)

December 12, 1806.

Although I have the most perfect confidence in the integrity of Briggs, and very little in Davies, his accuser, yet where a charge is so specific and direct, our duty calls for investigation. The distance is too great to wait for preliminary explanation. I think with you that Mr. Williams, the former register will be a proper person to inquire into the charge, but that he would probably be less willing to undertake it alone than joined with another; and I would propose to join with him Mr. Dunbar, who deserves entire confidence. In the case of the removal proposed by the collector of Baltimore, I consider it as entirely out of my sphere, and resting solely with yourself. Were I to give an opinion on the subject, it would only be by observing that in the cases under my immediate care, I have never considered the length of time a person has continued in office, nor the money he has made in it, as entering at all into the reasons for a removal. The want of a collector at Chestertown shall be attended to with the first nominations. The allegations against Pope, of New Bedford, are insufficient. Although meddling in political caucusses is no part of that freedom of personal suffrage which ought to be allowed him, yet his mere presence at a caucus does not necessarily involve an active and official influence in opposition to the government which employs him. Affectionate salutations.

PROCLAMATION CONCERNING CAMBRIAN, ETC.[1]

[Dec. 20, 1806.]

Whereas by a proclamation bearing date the 3d day of May last, for reasons therein stated, the British vessels of war called the Leander, the Cambrian & the Driver, were forever interdicted the entrance of the harbors & the waters under the jurisdiction

[1] Endorsed: "This was not issued, the Cambrian having gone off." On this proclamation Jefferson wrote to Madison on Dec. 19:

"I send you the draft of a Proclamation, dated for tomorrow. I think all the letters & orders, to the effect already agreed on, should be instantaneously

of the U. S. and in case of any of them reentering the harbors or waters aforesaid, all intercourse with them was forbidden, all supplies and aid prohibited from being furnished them under the penalties of law provided: and whereas one of the said armed vessels, the Cambrian, has lately entered into the waters of the Chesapeake, within which, with certain other British armed vessels, she still remains: I have therefore thought fit to issue this my Proclamation, forbidding, so long as the said Cambrian shall be within the waters of the Chesapeake all intercourse, not only with the said armed vessel the Cambrian, but with every armed vessel of the same nation, their officers, & crews now in the sd bay of Chesapeake, or it's waters, or which may enter the same. And I do declare & make known, that if any person from, or within, the jurisdictional limits of the U. S. shall afford any aid to any of the said armed vessels, contrary to the prohibition contained in this proclamation, either in repairing any of them, or in furnishing them, their officers or crews, with supplies of any kind, or in any manner whatsoever or if any pilot shall assist in navigating any of the said armed vessels, unless it be for the purpose of carrying them, in the first instance, beyond the limits & jurisdiction of the U. S. such person or persons shall, on conviction,

got ready, and I ask the heads of departments to meet here tomorrow at 11 o'clock to consider what additional measures can be taken for forcing the Cambrian off, and for preventing her entering any other port of the U. S. Would it not be proper to ask Mr. Erskine to see you immediately to shew him the letter of Newton & report of the officer, & to let him know the measures we *will* take tomorrow. He may by tonight's post reinforce his advice to those officers."

He had also written to Gallatin on Dec. 18:

"I inclose a draught of a Proclamation with an amendment proposed by Mr. Madison. Before I make any alteration I shall be glad of your opinion on the matter. I return the two draughts of letters with an alteration or two proposed to me of them for your consideration. Mr. Erskine promised to write to Commodore Douglas yesterday on the subject of the Cambrian. He says she is reported as having sprung her bowsprit, & put in on that account. Consequently we must let the matter lie till we hear from the Collector. I have made it a rule not to give up letters of accusation, or copies of them, in any case. It is true that Davies would probably care very little about a copy of his letter being sent to Briggs; yet I should think it sufficient that the heads of accusation have been already furnished to Mr. Briggs. Affectionate salutations."

suffer all the pains & penalties by the laws provided for such offences. And I do hereby enjoin & require all persons bearing office civil or military within the U. S., and all others, citizens or inhabitants thereof, or being within the same, with vigilance & promptitude, to exert their respective authorities, & to be aiding & assisting to the carrying this proclamation and every part thereof into full effect.

In testimony whereof I have caused the seal of the U. S. to be affixed to these presents, and have signed the same with my hand. Given at the city of Washington the 20th day of December in the year of our Lord 1806 and of the sovereignty and independence of the United States the 31st.

TO THE GOVERNOR OF LOUISIANA. J. MSS.

(WILLIAM CHARLES COLE CLAIBORNE.)

WASHINGTON, Dec. 20, 06.

DEAR SIR,—You will receive your formal instructions from Genl. Dearborn. This is private of course & merely for your more full information. You already have a general knowledge of the insurrection prepared by Colo. Burr. His object is to take possession of N. Orleans, as a station from whence to make an expedition against Vera Cruz & Mexico. His party began their formation at the mouth Beaver, from whence they started the 1st or 2d of this month, and would collect all the way down the Ohio. We trust that the opposition we have provided at Marietta, Cincinnati, Louisville & Massac will be sufficient to stop him; but we are not certain because we do not know his strength. It is therefore possible he may escape & then his great rendez-vous is to be at Natchez. You can judge as well as I when he can be there, leaving Pittsburg or Beaver Dec. 1. We send our present orders by both the Tennessee & Athens routes, in expectation they will reach Natchez & N. Orleans in time for the whole force of both countries to be collected & to take the best point for opposition. The orders are to the governor of Missipi to bring forward the whole force of his militia instantly to act in conjunction with the force at Fort Adams: to the commanding officer of

the gunboats &c. to move with his whole force immediately up the river & to take the station which shall be thought best: we presume it will be a little above Fort Adams or Fort Coupee, but within reach of them, that he may fall back under the protection of their guns if in danger from superior numbers. We expect you will collect all your force of militia, act in conjunction with Colo. Freeman & take such a stand as shall be concluded best. These orders are given to the several officers distinctly, because Genl. Wilkinson is believed to be kept at bay on the west side of the Misipi by the Spanish force under advice from Yrujo, who has been duped by Burr to believe he means only the capture of N. Orleans & the separation of the western country. This is a summary of the orders given; but, if they vary in any point from what the Secretaries of war and of the navy direct, you are to suppose that I recite them incorrectly, & that theirs are the real orders, which it is my intention should be followed. Do not suffer yourself to be lulled into a moment's delay by any information which shall not come to you in the most unquestionable form. Should he get possession of N. Orleans measures are now taking for it's immediate recovery, and for calling forth such a force as will be sufficient. He has been able to decoy a great proportion of his people by making them believe the government secretly approves of this expedition against the Spanish territories. We are looking with anxiety to see what exertions the western country will make in the first instance for their own defence; and I confess that my confidence in them is entire.[1]

TO THOMAS LIEPER. J. MSS.

WASHINGTON, Dec. 22, 06.

DEAR SIR,—This is merely a private letter, intended for yourself individually. If I have not answered the very friendly & flattering address I

[1] Endorsed by Jefferson: "This letter was left to be finished on the 21st, but the mail went off at 2 a.m., which was earlier than I expected: so it was not sent. It is kept, as containing the sum of what was agreed upon at a meeting of heads of Departments, (except Mr. Gallatin who was not present) on the 19th of Dec. 1806."

received through you, and the many others I have received, it is not from an insensibility to their kind and gratifying contents. No man feels them more powerfully than I do; no breast ever felt more consolation from such testimonies of good will. And the having given no answer to them has been the hardest act of self denial I have been called upon to perform. But on consultation with friends here, there is but one opinion, that the question presented by these addresses cannot be touched without endangering the harmony of the present session of Congress, and disturbing the tranquility of the nation itself prematurely & injuriously. I express these sentiments to you, privately, because they will enable you to give in conversation a true solution to the fact of my giving no answer. The present session is important as having new & great questions to decide & in the decision of which no schismatic view should take any part. It may become still more important, should the measures we have taken fail to suppress the insurrectionary expedition now going on under Colo. Burr. A few days will let us know whether the western states suppress that enterprise, or whether it is to require from us a serious national armament. Our little band in Congress has as yet been quiet: but some think it is from a sense of importance, not a conviction of error, or motives of good will. But all these schisms, small or great only accumulate truths of the solid qualifications of our citizens for self government. Accept my friendly salutations and assurances of great & constant esteem.

TO THE SECRETARY OF THE NAVY.

WASHINGTON, Dec. 25, 06.

DEAR SIR,—Yours of yesterday has been duly considered. What I had myself in contemplation was to wait until we got news from Louisville of Dec. 15 the day of Burr's proposed general rendez-vous. The post comes from thence in 12 days. The mail next expected will be of that date. If we then find that his force has had no effectual opposition at either Marietta or Cincinnati & will not be stopped at Louisville, then, without depending on the opposition at Fort Adams, tho' I have more dependence on that than on any other, I should propose to lay the whole matter before Congress, ask an immediate appropriation for a naval equipment and at the same time order 20,000 militia (or volunteers) from the western states to proceed down the river to retake N. O. presuming our naval equipment would be there before them. In the meantime I would recommend to you to be getting ready & giving orders of preparation to the officers and vessels which we can get speedily ready that is to say, the 3 sloops at Washington, the 2 gunboats and ketch at N. York, the 3 gunboats (not including No. 1) and ketch at Norfolk & the 3 gunboats at Charleston: all this on the supposition that the officers are of opinion that the gunboats can be safely sent at this season. We now see what would be the value of *strong* vessels of little draught for the shoaly coasts of the Gulf of Mexico. At any rate we should have some as powerful as a 12 feet draught of water could be made to bear. Affectionate salutations.

END OF VOLUME VIII.

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